

23

Report and Recommendations



SELECT COMMITTEE ON PUBLIC EDUCATION  
Senate Concurrent Resolution 22

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WILLIAM P. HOBBY, CHAIRMAN  
LIEUTENANT GOVERNOR OF TEXAS

BILL CLAYTON, VICE CHAIRMAN  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

REP. CRAIG WASHINGTON, CHAIRMAN  
SUBCOMMITTEE ON RECODIFICATION  
OF THE EDUCATION CODE

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Submitted to the Sixty-Eighth Legislature  
November 1982

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**Senate Concurrent Resolution 22**

**Recodification of the  
Education Code**



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Houston, Texas

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December 20, 1982

To The Honorable Governor of Texas and Members of the 68th Legislature:

I am pleased to present to you the Report and Recommendations of the Subcommittee on Recodification of the Education Code. This subcommittee was charged with reviewing the Texas Education Code relative to the need for recodification. It was the subcommittee's responsibility to make several critical decisions regarding a proposed recodification project, including: should the recodification be substantive or non-substantive; what should the timetable for such a project be; and what would be the appropriate structure for staff, public input and review of proposed drafts.

I appointed 16 advisers from the school law profession, who offered valuable assistance in the time-consuming process of reviewing the Education Code. Other experts in the field, as well as educational organizations, also offered their suggestions and comments, providing the subcommittee with useful direction. The major recommendation was the recodification of Chapter 19. You will note a proposed draft of this chapter appears as an appendix to this report. The draft contains reviewer's notes which explain the various changes made throughout the chapter.

The report of the subcommittee was submitted to the Edit and Review Committee on September 15, 1982, and to the full Select Committee on September 16, 1982. Both groups reviewed the report and approved it without modification.

It is my hope that this report will prove beneficial to you during the course of the 68th Legislative Session. Education is one of our state's greatest concerns, and a codified, up-to-date Education Code is paramount to conducting the business of the Central Education Agency and the school districts of this state in an efficient and organized manner.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "W P Hobby".

William P. Hobby, Chairman  
Select Committee on Public Education

# Subcommittee on Recodification of the Education Code

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The Honorable Bill Haley  
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The Honorable Jimmy Elrod  
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September 15, 1982

The Honorable William P. Hobby, Chairman  
Edit and Review Subcommittee

The Honorable Joe Kelly Butler, Vice Chairman  
Edit and Review Subcommittee

Dear Governor Hobby and Mr. Butler:

I am pleased to submit the Report and Recommendations of the Subcommittee on Recodification of the Education Code to the Edit and Review Committee for its consideration.

The subcommittee, through its research and evaluation, took an initial yet major step toward the eventual recodification of the entire Texas Education Code. I am confident that you will find the results of this study to be highly beneficial in future efforts to codify and clarify the education laws of Texas.

This report represents many hours of public hearings, research, analysis and review. The advisers appointed to the subcommittee played a major role in the evaluation of the Code. One result of their efforts was a draft of Chapter 19 of the Education Code, which was mailed to the Texas Association of School Boards and other state and local professional education groups around the state. It is the belief of this subcommittee that the recommendations brought forth in the Chapter 19 draft represent concepts shared by many of these organizations. The valuable comments received by the subcommittee from many interested groups, including the Legislative Council, have served to reiterate the need for continued efforts to recodify the Texas Education Code.

The subcommittee will be happy to provide further information on any of its recommendations.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Craig Washington".

Representative Craig Washington, Chairman  
Subcommittee on Recodification of the Education Code

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## Historical Perspective

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Education has been a major concern for both citizens and lawmakers of the State of Texas since the first "Education Act" was passed in 1839. This Act set aside three leagues of land in every county for the support of public "academies." Since that time, hundreds of pieces of education legislation or amendments to the existing statutes have been passed by Texas Legislatures.

Among early enabling education legislation was: the School Law of 1854, formally establishing the public education system in Texas by authorizing the original Permanent and Available School Funds; an amendment to the Texas Constitution in 1876 structuring the basic framework of school funding as practiced today; a constitutional amendment in 1883 authorizing the levy of a State ad valorem tax for financial support of education; and legislation attempting to equalize state and local support between urban and rural school districts.

Despite the growing volume of education law, for nearly a century after the Education Act of 1836 the laws were not in codified form. All laws passed by the Texas Legislature were simply listed, by year, in the *General Laws of the State*. In 1923, the 38th Texas Legislature authorized a commission to prepare a revision of these *General Laws*. The revised version, known as the *Revised Civil Statutes*, was enacted into law by the 39th Legislature in 1925. This version, however, offered only minimal organization for the education statutes.

A *Handbook of Texas School Law* was prepared by J. C. Hinsley in 1938. This was a collection of all laws, court rulings and Attorney General opinions on education. It was, essentially, the first attempt made at codifying education laws. Hinsley was one of the few practicing lawyers at that time specializing in Texas school law.

Perhaps the most significant early education law was the Gilmer-Aikin Bill in 1949. Among other things, this established the Central Education Agency consisting of an elected state board of education, the commissioner of education, and the state department; it also specified basic elements of a minimum foundation school program.

The Gilmer-Aikin report also observed: "School law in Texas is a maze . . . contradictions abound; many laws are vague in their application; statutes no longer applicable remain on the books. For years recodification of the school laws of the State has been urged. The time for action is here." Little action was forthcoming.

The State Bar Association, in 1952, appointed a special committee to study the problem of the un-codified form of school law. In 1953, and again in 1955, the State Board of Education recommended that a commission to undertake the recodification process be created. Reasons for concern included the fact that each session of the Texas Legislature since 1925 considered a great amount of proposed education legislation and enacted many new statutes and amendments.

This trend continued. The 59th Legislature in 1965, for example, enacted at least 55 new statutes and/or amendments that were classified as public school laws.

In the early 1960s, the education code was still an impenetrable legal jungle and the education laws remained in no convenient, codified form. This conglomerate condition resulted in the lack of a practical or organized reference. This hindered school administrators from effectively discharging their responsibilities for the control and management of school districts. It was even difficult for lawyers to make statutory interpretations in order to settle disputes or prepare issues for litigation.

A proposed codification of the state's education laws was first submitted to the Legislature in 1961. House Bill 1077 of the 57th Legislature, Regular Session, was passed by the House only to die in the Senate. In 1963, the 58th Legislature directed the Texas Legislative Council, whose duties include drafting of legislative documents and legislative research, to carry out a revision program of the laws contained in the *Civil Statutes*. The task was monumental, and the Council had not gotten to the education laws by 1967, when another group took up that specific task.

In that year, the Governor's Committee on Public Education appointed an Advisory Committee on School Law Recodification. Its membership, representing major education interests in the state, included: Judge Hawthorne Phillips, chairman, Office of the Attorney General; Wales Madden, ex-officio representing the Governor's Committee; Ben Howell, State Board of Education; Bob Freeman, Texas Legislative Council staff; Ace Alsup, Superintendent, Temple Independent School District; Dr. Robert Clinton, Assistant Commissioner, Coordinating Board, Texas College and University System; Mrs. Mary Jo Carroll or Clark, Thomas, Harris, Denius and Winters, Austin; Traxel Stevens, representing L. P. Sturgeon, Texas State Teachers Association; William E. Stapp of Vinson, Elkins, Weems and Searls, Houston; Paul B. Horton of McCall, Parkhurst and Horton, Dallas; C. G. Whitten, Abilene School Board; and Robert E. Schneider, Jr., State Bar of Texas.

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The committee worked with the Governor's Committee on Public Education and was assisted by Texas Education Agency staff and the Texas Legislative Council. Much of the actual editing process was carried out by the legal counsel for the Education Agency. Letters were sent to all department heads at the Agency whose policies were encompassed by the codification process, asking for suggestions and recommendations.

The work done by the committee and the Education Agency took nearly a year. The codification process was lengthy and involved, primarily because it had been neglected for so long. The process mainly involved constitutional revisions—eliminating all laws that had become obsolete since the education handbook had last been revised. The decimal system was used in numbering sections in the Code, and each statute had to be sorted out and placed under the proper heading. In addition, many new areas such as Finance Statements, Election of City Officials, Construction of Schools and the Election Code were included.

The Committee, however, did not do a substantive revision of the Code. As adopted by Acts of 1969, 61st Legislature, the revision codified the general and permanent statutes relating to public education, excluding certain laws relating to higher education. The Code, as enacted, consisted of three titles: Title 1, General Provisions; Title 2, Public Schools; Title 3, Higher Education. (Laws relating to higher education that were excluded in 1969 were revised by the Legislative Council and included in the Code by Acts 1971, 62nd Legislature.)

The 61st Legislature also passed some 49 other bills which either amended statutes included within the Code or enacted new law within the scope of the Code. While the Code was not immediately amended to reflect these changes, most of the bills were incorporated at least by the next session. Existing Attorney General opinions, however, which are given on an advisory basis upon request, were still not reflected in the Code; nor were many court rulings.

The Committee on Recodification did a substantial amount of work on the Code. There were, however, many laws which were not included in the 1969 revision process and this, in fact, remains one of the primary problems with the Code. Bracket bills—those laws pertaining to specific population groups or special school districts—were not included in this version. There are bracket bills which have some relevance to the system as it is today, such as those governing the Dallas and Houston school districts, but most bracket bills are antiquated and basically ignored. A recent recodification of the bracket bills, completed after the decennial census, contained few pertaining to education.

Special Laws, many of which are contained in Title 49, Education - Public, of the *Civil Statutes*, have not yet been repealed, but do not appear anywhere in the Education Code. These Special Laws have been dropped from *Vernon's Civil Statutes* and are currently listed alphabetically by subject matter, showing the former Vernon's classification, and original and amending citations to the *General and Special Laws of Texas*.

Laws pertaining to education also appear in other areas of Texas law. There are laws in the State Property Tax Code which pertain to education because school districts are a taxing entity. General governmental laws, although not currently in a codified form, contain miscellaneous provisions that impact education, including publishing notice of hearings and other regulatory provisions. Health laws, such as those governing inoculations, also impact the educational system of the State.

In the years since the 61st Legislature passed the recodification of the Code, many changes have taken place in the education laws of Texas. Many new laws have been added, applying to such areas as: teacher certification, election requirements, bilingual education, school finance, curriculum reform, property tax and Administrative Procedures. The 67th Legislature passed 54 bills dealing with schools and teachers, and many peripheral bills were enacted dealing with other aspects of education. The sheer numbers of education bills added to the Code present the problem of disorganization and confusion. Other laws, which are still in the Code, no longer have any relevance to the present educational system in the state.

## **Areas of Concern**

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The Select Committee on Public Education met on September 23, 1981, to discuss areas of concern in education. The Committee heard testimony from experts in education and educational law who expressed concerns with certain areas of the Education Code.

A majority of the concerns centered on Chapter 19, Creation, Consolidation and Abolition of School Districts. In general, the chapter was considered to be in need of a great deal of reworking. Some sections are conflicting, others duplicative. Many provisions are outdated and no longer applicable. The following concerns deal with specific subchapters of Chapter 19.

### **Subchapter A, Enlarging Districts by Annexing Other Districts**

As with many other subchapters, this contains many references to county school trustees and/or boards. The problem, as brought forth in the testimony, is that these phrases are largely outdated because of Subchapter G, Chapter 17, Texas Education Code, as added by Chapter 478, Acts of the 64th Legislature, Regular Session, 1975, which eliminated county boards and superintendents. Therefore, statutory references to county boards and to the duties and obligations of those boards are obsolete.

### **Subchapter B, Creation of County-Wide Common School Districts.**

There are currently only 10 common school districts and even fewer county-wide common school districts in Texas. The same is true of county-line districts, which appear in Subchapter D. Rural high school districts are addressed in Subchapter E, but there is only one such district still in existence today, and there is not any situation in Texas that would meet the eligibility requirements for such a district. It is unlikely that any additional rural high schools will be created in the future. Public testimony indicated the possibility that Subchapters B, D and E could be consolidated into one chapter.

### **Subchapter F, Municipal School Districts—Creation, Boundary Changes, Conversion, Etc.**

Several pressing concerns appear in this subchapter; in fact, problems in this area have been the cause of recent litigation. Sections 19.161 and 19.162 of Subchapter F outline two different methods of creating municipal school districts. Section 19.161 requires only the instigation of the citizens of the municipal area who must sign a petition and forward it to the mayor. A district was recently formed under those provisions. The area in question involved less than 10 percent of the parent district (more than 10 percent would require the approval of the separation by the voters of the parent district), but it contained over 13 percent of the total tax base of the parent district. Unlike other sections dealing with creation, consolidation or separation of school districts, 19.161 has no provision for appropriately dividing and allocating bonded indebtedness.

Section 19.162, which would call for the creation of a municipal district at the instigation of the parent district, does provide for bonded indebtedness. Section 19.161 does not, so there is concern that when a parent district risks maintaining a high bonded indebtedness and loses part of its tax base—it could lose the ability to satisfy that obligation. The municipal area in question did eventually form its own school district, despite a court case raised by the parent district to prevent it.

### **Subchapter H, Consolidation of School Districts.**

This section contains one outdated provision allowing for the consolidation of contiguous common school districts. There are no such districts remaining in Texas.

Another problem with Chapter 19 involves duplication between sections. Section 19.237 and 19.241, for example, both apply to consolidation involving at least one independent school district. Sections 19.238 and 19.242 both govern consolidations in which two independent school districts are involved.

Multiple petitions for consolidation present other concerns in Chapter 19. A situation arose recently in which two districts petitioned simultaneously for one district. Both petitions were circulated in both districts, but an election was held in only one district. The question was put before the Attorney General: Is it necessary to put all the petitions on the ballot at the election, or should the petitions be called in the order in which they were circulated and received? The Attorney General's ruling stated that the statute was unclear on that point, thus indicating the need to address the issue statutorily.

Sections 19.245 and 19.361 pertain to the dissolution of school districts. Several situations have arisen in which either one of the sections could arguably be applicable. Their requirements are different and need to be reconciled with each other.

Education laws exist outside the education code which pertain to Chapter 19. There are bracket laws which no longer apply to the school districts they originally governed, and some laws which actually belong in Chapter 19 remain outside it. Testimony indicated that this was of continuing concern to educators and lawyers practicing education law.

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Testimony also indicated that Chapter 23 was in need of some minor revision. Most of the revision, although not as urgently needed as in Chapter 19, would involve including applicable laws that are now outside the Code. Section 23.023, dealing with districts with 66,000 or more students in ADA, requires a nine-member board of trustees, with seven members to be elected by position and two members to be elected at-large. These provisions technically apply to Dallas and Houston; however, Section 23.023 also provides that any single member trustee district in existence prior to 1975 may continue to operate under that plan. Both Dallas and Houston have their own special statutes governing their election procedures and neither appear in the Education Code.

After hearing testimony favoring a revision process of the Code, the Select Committee made the decision to appoint a Subcommittee on Recodification of the Education Code. This subcommittee was charged with studying the present code and analyzing further testimony from educators, lawyers and other interested parties.

## Advisory Committee Priorities

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Lieutenant Governor William P. Hobby appointed a group of 16 advisers to the recodification subcommittee, composed entirely of lawyers most of whom specialize in education law. The advisory committee divided into three subcommittees, each charged with studying certain areas which the advisers believed presented key problems hindering the effectiveness and efficiency of the Code.

### Chapter 19.

One subcommittee studied Chapter 19 and submitted the following suggestions for revision:

- I. Overall Suggestions Pertaining to Chapter 19
  - (A) Addition of a section which would provide for adjustment of bonded indebtedness following any procedure under Chapter 19 in which territorial boundaries of two or more districts are changed. At present, this is provided in some, but not all, cases.
  - (B) Addition of a section which would provide for passage of title from the parent district to the acquiring district following any procedures under Chapter 19 in which territorial boundaries of two or more districts are changed. Section 19.262(i) already provides this for annexation of districts in larger counties under Section 19.262, and the subcommittee felt that this would be a desirable addition to Chapter 19 as a whole.
  - (C) With respect to common school districts, it was felt that a single subchapter containing provisions pertaining to common school districts would be more workable than having various provisions scattered throughout Chapter 19. Additionally, there are some provisions dealing with common school districts which, as a practical matter, have become obsolete and could simply be dropped, such as provisions dealing with creation of common school districts. (These recommendations are applicable to Subchapters B, D, G and M.)
  - (D) Addition of a section which would standardize the requirements and procedures for the various elections provided for in different Subchapters of Chapter 19.
  - (E) Addition of a section setting up a uniform time limitation on the frequency with which Chapter 19 procedures may be undertaken. The subcommittee suggested recommending a three-year period following a Chapter 19 procedure with an alternate suggestion that perhaps a lesser period of time might be appropriate in cases where the attempted procedure has not been successful.
  - (F) Examination of sections which contain specific population brackets in order to determine if the figures used are still relevant or necessary. (This recommendation pertains to Subchapters J and K.)
  - (G) With respect to the numerous instances in Chapter 19 in which a specific power or duty is assigned to a county board of education or county school trustees or other entity which has been abolished or superseded, changes should be made to reflect assignment of powers or duties to the appropriate entity. This is particularly true with respect to changes brought by Education Code Sections 17.94-17.99. (These changes are applicable to Subchapter A, Chapter 19.)
  - (H) In many areas of Chapter 19, there are references to petitions signed by qualified voters. It is suggested that there ought to be an overall standard or definition which would set up a presumption as to the qualified voter status of signatories in order to avoid drawn out proceedings on this issue. One suggestion would be that if the individual's name appeared on the county's list at the time of signature, that this constitutes a qualified voter for purposes of validating the petition.
- II. Suggestions Pertinent to Specific Subchapters of Chapter 19 (In addition to those mentioned above.)
  - (A) *Subchapter E.* There is only one remaining rural high school district in Texas, and there is no possibility of creating additional such districts. A separate subchapter is unnecessary.
  - (B) *Subchapter F.* This subchapter generated a variety of suggested recommendations as follows:
    - (1) Repeal of Section 19.161 coupled with some amendment to Section 19.162, (Amendments to Section 19.162 would broaden the scope of Section 19.162 to also include districts within the limits of a city or town which are currently covered by Section 19.161.)

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- (2) As an alternative, if the first recommendation is rejected, the subcommittee would suggest that Section 19.161(a) be amended so that approval by majority vote of the residents of each district would be required if either a 5 percent change in tax base would occur or if a 10 percent reduction of the total area of the existing district would occur. (As it now exists, only a 10 percent area reduction would trigger this requirement.)
- (3) There was a consensus among subcommittee members that 50 was too low a number of voters, in many cases, to initiate proceedings under Section 19.161 and that Section 19.162(b) also needs to be amended in this regard. Therefore, it is suggested that both Section 19.162(b) and 19.161(b) should be amended to read:
- “A petition, signed by at least \_\_\_\_ % of the resident qualified voters or by at least 500 resident qualified voters . . . ”
- (The percent requirement could be used by any small town while the alternate requirement of 500 signatures could be less burdensome for larger cities while it would still insure that the measures could not be initiated by a very small, unrepresentative group.)
- (4) The overall suggestions with respect to the passage of title and adjustment of bonded indebtedness would certainly be important with respect to this subchapter as would suggestions with respect to common school district provisions.
- (C) *Subchapter H.* Some sections are duplicated: Sections 19.237 and 19.241 both refer to consolidation involving independent school districts; Sections 19.238 and 19.242 refer to consolidation involving two independent school districts. See also I(c) above.
- (D) *Subchapter I.*
- (1) In keeping with I(c) above, it is suggested that Section 19.261 (f) be amended to read:
- “ . . . shall notify any persons or entities which may be affected . . . ”
- (2) Among subcommittee members, there was no consensus as to the preferred recommendation for dealing with some of the problems arising under this subchapter. The following attempts, in summary, to present the divergent views:
- (i) One suggested recommendation is that the county commissioners not be assigned to hear detachment and annexation matters but that these matters be heard by another entity with more educational expertise and less political stake in the outcome. It was suggested that perhaps the Commissioner of Education would be a logical alternative to the County Commissioners. This would eliminate some problems which arise (such as no record of the proceeding) when matters are appealed to the Commissioner of Education from County Commissioners.
- (ii) The counter-argument was that County Commissioners, being more familiar with the geography, economy, etc., would be better qualified to consider these matters than a more removed entity.
- (iii) If the County Commissioners are retained as the initial hearing body, it was suggested than an appeal from their decision go directly to District Court rather than through the Commissioner of Education and also that some further criteria be set up for the County Commissioners to consider in hearing the matter (such as impact on tax base, other economic impact on the parent district, geography, traffic, community development and population shifts).
- (E) *Subchapter N.* There was no recommendation concerning this subchapter, but this could be a vehicle for an overall provision for adjustment of bonded indebtedness if amended for that purpose.

### III. Recommendations Concerning the Education Code as a Whole, or Chapters in Addition to 19

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Although recognizing the limited scope of this subcommittee's duties, several topics outside of Chapter 19 did arise and it was decided to consider them if long term work on the Education Code does emerge as a recommendation by the Advisory Committee.

- (A) Consideration of requiring through legislation that all school districts be independent districts.
- (B) Alternatively, unnecessary or obsolete references to common school districts should be deleted throughout the Code.
- (C) Specifically, with respect to the School Depository Act, Sections 23.71-23.80, that provisions be added concerning a district's course of action with respect to a new depository if the bank with which a district has contracted fails.

## **Chapter 26.**

A second subcommittee of advisers examined Chapter 26 of the Code, concerning rehabilitation districts for handicapped persons. Information the subcommittee had gathered indicated that current or recent legislation and current operating practices in this district mandate changes in the present chapter. The subcommittee felt that this was not a statewide issue at this time and suggested that this information be included as an Appendix to the report (See Appendix A).

## **Other Chapters.**

The third subcommittee of advisers looked at general provisions for recodification/revision within the Code and submitted a list of suggested priorities.

### **I. Chapter 11, Central Education Agency**

This chapter is one of the most comprehensive chapters in the Education Code. It establishes the relationship between and among the various operations and responsibilities of the Central Education Agency and the relationships of those component parts with other agencies and school districts. Questions were raised concerning the authority of the Central Education Agency in relation to these other agencies. Specific issues which need to be addressed are the Agency's powers and authorities relating to accreditation and hearings which arise as a result of local school district hearings, particularly those which arise under the Administrative Procedure Act and Section 11.13 of the Texas Education Code.

### **II. Chapter 17, County Administration**

The county administration chapter is closely aligned with the problems associated with Chapter 19. There are few school districts which require county administration, and this chapter needs to be adjusted to reflect that change. Unfortunately, references are continually made throughout the Education Code to county boards of education. Consideration should be given to removing county administration from the concept of public school governance. School districts, to the extent they are responsible to any other agency, should be responsible to the Central Education Agency rather than an intervening county level of government.

(Subsequent to the submission of the advisers' report, it was determined that, since county school administrators do still exist in some areas of the state, all references to such administrations—including those in Chapter 17—are still valid and can be eliminated only when county school districts are eliminated.)

### **III. Chapter 21, Provisions Generally Applicable to School Districts**

This is a catch-all chapter which should be reviewed in conjunction with Chapters 22 (Common School Districts), 23 (Independent School Districts), 24 (Municipal School Districts) and 25 (Rural High School Districts.) There are conflicting and confusing provisions in each of these chapters which should be re-examined in light of current practices and school organization in Texas.

### **IV. Chapter 130, Junior College Districts**

Junior college districts have very few statutes regulating their existence and operation. Section 130.084 attempts to incorporate the law on independent school districts (Chapter 23) as the regulating law where there is no specific law pertaining to junior colleges. The entire concept of governance and operation of community colleges and their ultimate responsibility needs to be re-examined, based upon current concepts and practices.

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**V. Possible Consolidation of Employment-Related Sections**

There are sections related to employment which run throughout the Education Code, and there is no system of cross-referencing to assist in dealing with employment-related matters. Either the employment-related matters need to be consolidated in one chapter, such as Chapter 21, or a better system of cross-referencing needs to be provided. There are, however, significant problems in determining which statute applies to employment. A legislative system of cross-referencing would be beneficial in determining which statute applies in a given situation. Also, there is a problem with the lack of cross-referencing educational statutes to the other statutes, such as requirements for the sale of land, etc.



## Recommendations of the Subcommittee

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The Subcommittee on Recodification of the Education Code has spent many hours in research, analysis and public hearings in order to determine which areas of the Code are most in need of recodification work. Recommendations from the advisory committee, public testimony, and the subcommittee's own knowledge of the Education Code resulted in four recommendations.

The subcommittee directed the Legislative Council to prepare a draft of Chapter 19 of the Education Code, which was subsequently reviewed by the subcommittee and put forth as a recommendation:

1. *The Subcommittee recommends that the Legislative Council's draft of a substantive revision of Chapter 19, Texas Education Code, Creation, Consolidation and Abolition of School Districts, be prepared for introduction and consideration by the 68th Legislature, Regular Session.*

Recodification of the entire Code could be considered timely; however, the Legislative Council operates under an extremely heavy work load, and there are other areas of Texas law which are not yet codified. Since Chapter 19 deals with the creation, consolidation and abolition of school districts, it was selected, in addition to several other chapters, by the Advisory Committee as a priority to review. It was determined by the Advisory Committee and the subcommittee that this is the chapter most in need of revision.

As presently constituted, Chapter 19 is a hodgepodge of differing manners in which school district boundaries and control may be altered. There is little consistency in the chapter's treatment of such issues as petitions, elections and transfer of authority. Further, many provisions of Chapter 19 are antiquated.

The preliminary draft of Chapter 19 (See Appendix B) contains reviewer's notes after each change, explaining why such was made.

2. *The Subcommittee recommends that an advisory committee be appointed to conduct continuing review of the Texas Education Code. This advisory committee shall be appointed by the Chairman of the Legislative Council, approved by and serve at the pleasure of the Council. It should be representative of lawyers practicing school law, public school administrators, the State Board of Education and the Attorney General's office, as well as geographically representative of all areas of the state. Members should be eligible for reappointment and for reimbursement of their actual expenses. The chairman of the advisory committee should be designated by the Chairman and Vice Chairman of the Legislative Council.*

The need for the formation of such an advisory committee is based on the number of amendments and special laws pertaining to education that are not included in the current Education Code.<sup>1</sup> Moreover, other chapters of the Code are in need of reworking and reorganization. Some subjects are scattered through several chapters and many provisions should be refined on the basis of experience and changing circumstances. In its present form, the Code is difficult to utilize for both attorneys and lawyers. The Code needs to be reviewed as an on-going process, and priority consideration should be given to those chapters reviewed by the advisory committee.

3. *The subcommittee recommends that information regarding Chapter 26, Texas Education Code, concerning the rehabilitation districts, be forwarded to the Legislature without specific recommendations as an appendix to this report. (See Appendix A)*

This appears to be a local matter and not one of statewide policy concern. Moreover, this is a short chapter, and pertains to only one district at this time. For this reason, members of both the subcommittee and the advisory committee felt this chapter should not be included in the general recodification but should be dealt with in the regular legislative process.

4. *The subcommittee recommends that the Central Education Agency, in cooperation with the Legislative Council, identify those laws that are obsolete and those that are still applicable to public education. This report should be forwarded to the Advisory Committee to the Legislative Council (See Recommendation 2) for their review. Legislation should then be prepared that would recodify those laws of continuing value in the appropriate sections of the Education Code and repeal those which are no longer applicable.*

The great number of special and local laws, particularly bracket bills, that are not published in the Code and may be obsolete, make it imperative that all existing educational laws be sorted out and evaluated as to their relevance to the present day educational system in Texas.

## Appendix A

A subcommittee of advisers studied Chapter 26 of the Texas Education Code regarding rehabilitation districts for handicapped persons. Information gathered illustrated the fact that current or recent legislation and current operating practices in the rehabilitation district now in operation indicate a need to consider changes in the chapter as it now exists in the Code.

### I. Subchapter A, General Provisions.

- (A) Section 26.01(1)—Definitions need to be amended by removing “socially maladjusted” and “language” from language learning disabilities. These terms are not included in classification of the handicapped.
- (B) Section 26.01(2)—The definition of special services needs to be the same as found in Section 16.104(b).
- (C) Section 26.01(3)—Nonhandicapped Scholastic needs to be defined as certain students who are not able to succeed in their local district programs and students who have exceeded compulsory school age and choose to enroll in the district's programs. Reasons other than being handicapped can contribute to a student not being able to succeed in his/her local district programs.
- (D) Section 26.01(5)—The definition of trainee needs to be defined as handicapped student as defined in 16.104(c)(1).

### II. Subchapter B, Creation of District

- (A) The phrases “and own taxable property” and “who have duly rendered their property for taxation” in regard to voters in the district are obsolete. They were removed by Texas Election Law, 1982-83, Article 5.02.

### III. Subchapter C, Administrative Provisions.

- (A) Section 26.31—Concerning the Board of Directors, the figure “50,000” should be replaced with “100,000.” Since four members are elected from each county and one member-at-large is appointed, the 100,000 figure gives adequate representation of the county populations and prevents the board from becoming too large. (See Table 1.)

**TABLE 1**  
**South Texas ISD 031-916**  
**Membership: Board of Directors**  
**Reference: Texas Education Code, 26.31**

	Cameron	Hidalgo	Willacy	TOTAL
One member elected from each county commissioner's precinct	4	4	4	12
One appointed at large	1	1	1	3
One appointment/50,000 population 1980 census	4	6	--	10
<b>PRESENT MEMBERSHIP</b>	<b>9</b>	<b>11</b>	<b>5</b>	<b>25</b>
<b>Recommendation #3</b>	<b>Cameron</b>	<b>Hidalgo</b>	<b>Willacy</b>	<b>TOTAL</b>
One member elected from each county commissioner's precinct	4	4	4	12
One appointment at large	1	1	1	3
One appointment/100,000 population (1980 census)	2	3	--	5
<b>PROPOSED MEMBERSHIP</b>	<b>7</b>	<b>8</b>	<b>5</b>	<b>20</b>

Since a change necessitates action by the State Legislature, a phase-in period would require several years.

June	1982	Legislative Action
April	1984	Appointed directors whose terms expire would not be reappointed, except as new plan required.
April	1986	Appointed directors whose terms expire would not be reappointed, except as new plan

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- (B) Section 26.34(a)—This section needs to be amended by removing “at the same time, and by the same election officers as provided for the election of the county school trustees of that county.” The phrase “the same ballot for the election of county trustees” also needs to be deleted. These counties no longer have county school trustees.

#### **IV. Subchapter D, Powers and Duties.**

- (A) Section 26.64(c)—This section on admission needs to be amended by removing the balance of the section beginning with line 6 “county school superintendent. If a handicapped . . .” and substituting “another youth centered agency; however, a student who has passed the compulsory school age may initiate his/her own referral process.” The position of county school superintendent has been abolished and youth centered agencies such as, but not limited to, Department of Human Resources, Texas Rehabilitation Commission, juvenile judges and orphanages should be allowed to initiate the referral process.

The district’s procedure stipulates that the student’s home school district will be contacted if referral is made by any agency other than the home school, except for students who are of age.

- (B) Section 26.65(a)—This section needs to be amended by removing “between the ages of 14 and 21, inclusive” and (from 26.65(b)) “except that the district’s allocation shall be limited, computed upon, and restricted to include only children between the ages of 14 and 21, both inclusive.” With the approval of the Board of Directors, a few students who are under the age of 14 are admitted into the district; the students are then “ineligible” under the current regulation although no school district is receiving credit for their attendance. Also, handicaps such as emotional disturbance do not wait until a child is 14 years of age; since the district is serving as an alternative residential placement facility, the Commissioner of Education would regulate ages of students served as well as types of handicapping conditions that the district should address. This would also give the Commissioner of Education authority to establish a residential placement program for children much younger than 14 if the area and/or state should need such facility as an alternative to existing residential programs.
- (C) Section 26.68—This section on Federal Aid should be amended by removing “provided, further, that for rehabilitation program purposes only and to receive any funds available for rehabilitation purposes for which the district otherwise may be eligible, the authority of the district shall be restricted to include persons not over 25 years of age.” A rehabilitation district which is funded and regulated by the Texas Education Agency should serve only eligible students between the ages of 6 and 21, inclusive, unless exception is made by the Commissioner of Education.
- (D) Section 26.70—The phrases “as living units, with or without board” and “who have become gainfully employable and/or employed.” This change would enable the rehabilitation district to serve emotionally disturbed students who need residential placement. The goal for these students is to assist them in overcoming or adjusting to their handicaps and to return them to their home school. Job placement, therefore, would be a secondary goal and unnecessary for these students during the period of residential placement.

#### **V. General Provisions for Chapter 26**

- (A) Substitute the word “student” for the word “person” as it appears throughout Chapter 26. The general understanding of Section 26 is “student” rather than “person.”

## Appendix B

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### PRELIMINARY DRAFT

#### REVISION OF CHAPTER 19, TEXAS EDUCATION CODE

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## INTRODUCTION

This revision of Chapter 19 is based on the recommendations of the Advisory Committee to the Subcommittee on Recodification of the Education Code of the Select Committee on Public Education. The revision was prepared by Steve Collins, Senior Legislative Counsel, with assistance from other members of the legal staff of the Texas Legislative Council.

This revision is arranged to facilitate review. Each section begins with the Revised Law, which is the new law proposed by the revision. The Source Law follows immediately after the revised law and consists of the existing statutory provisions from which the revised law derives. If an explanation of the differences between the revised law and the source law is necessary, a Revisor's Note follows the source law.

For purposes of consistency, a goal implicit in the recommendations, the revision replaces references to the board of county school trustees or the county school board with references to the commissioners court of the county. County administration has been abolished in all but a few counties under the provisions of Chapter 17, Texas Education Code; Section 17.96(e) transfers the powers and duties of county administration under Chapter 19 to the commissioners court. This revision takes the transfer one step further and gives the necessary authority to the commissioners court in all counties, including those with county administration.

Also for purposes of consistency, this revision replaces most references to "scholastic population" with "membership." "Membership" is defined in Section 19.001 of the revision and is a figure routinely reported to the education agency in the superintendent's annual report. References to scholastic population are obsolete because the statutory authority for the scholastic census was repealed in 1975 and the census had not been taken for several years before the repeal. No accurate accounting currently exists for scholastic population.

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13 CHAPTER 19. CREATION, CONSOLIDATION, AND ABOLITION OF  
14 SCHOOL DISTRICTS

15 SUBCHAPTER A. GENERAL PROVISIONS

16 Revised Law

17 Sec. 19.001. DEFINITIONS. In this chapter:

18 (1) "School district" includes an independent school  
19 district, a common school district, and a rural high school  
20 district.

21 (2) "Common school district" includes a rural high  
22 school district.

23 (3) "Membership" means the number of pupils on the  
24 roll of a school district as of a given date. (New.)

25 Revisor's Note

26 The revised law adds these definitions for  
27 drafting convenience. Subdivision (2) is derived from  
28 Sec. 25.01, Texas Education Code, which classifies



1 rural high school districts as common school districts.  
2 Subdivision (3) is derived from Tex. Admin. Code Tit.  
3 19, Sec. 117.1(b)(J) (1981), which is the definition  
4 used by the education agency for its rules relating to  
5 pupil attendance accounting.

6 Revised Law

7 Sec. 19.002. PERMITTED FREQUENCY OF PROPOSED ACTIONS. (a)  
8 If at an election on a proposition under this chapter the majority  
9 of the votes are cast against the proposition, another election for  
10 the same purpose may not be held earlier than the corresponding  
11 uniform election date three years after the date of the first  
12 election. If a majority of the votes are cast in favor of the  
13 proposition, an election to reverse the effects of the first  
14 election may not be held earlier than the corresponding uniform  
15 election date three years after the date of the first election.

16 (b) If, without an election, an action under this chapter  
17 occurs on the order or ordinance of an authority acting in response  
18 to a petition and the petitioners' request is rejected, that  
19 authority may not consider a subsequent petition on the same  
20 request earlier than three years after the date on which the  
21 request is rejected. If the request is granted and the order is  
22 issued or the ordinance is adopted, a petition to reverse the  
23 effects of the order or ordinance may not be considered by the  
24 authority earlier than three years after the date of issuance or  
25 adoption. (New.)

26 Revisor's Note

27 This section is added on the recommendation of  
28 the advisory committee. Most sections of the present  
29 Chapter 19 do not specify a time limit on the frequency  
30 of proposed actions. Section 19.365 does provide a

12-month limitation on elections abolishing a district or creating a new district from the abolished district's territory, but the advisory committee recommended a three-year period for all actions.

Revised Law

Sec. 19.003. PETITION AND ELECTION. (a) Except as otherwise provided by this chapter, this section governs:

(1) the validity of a petition submitted to request an election under this chapter; and

(2). the conduct of the resulting election.

(b) To be valid, a petition must:

(1) be submitted to the county judge serving the county in which the appropriate school district is located;

(2) be signed by at least 10 percent of the registered voters of the appropriate district; and

(3) state the purpose for which it is being submitted.

(c) Immediately following receipt of a valid petition, the county judge shall order the election to be held on an authorized election date, as prescribed by Section 9b, Texas Election Code (Article 2.01b, Vernon's Texas Election Code), occurring not later than the 60th day after the date of receipt. If an authorized date within that period does not allow sufficient time to comply with other legal requirements or if there is no authorized date within that period, the election shall be ordered for the next authorized date.

(d) The election order shall include the date of the election, the hours during which the polls will be open, the location of the polling places, and the proposition to be voted on.

(e) Not earlier than the 30th day or later than the 10th day before election day, the county judge shall give notice of the election by having a copy of the election order published at least once in a newspaper published at least once each week in the

1 appropriate school district. If no such newspaper is published in  
2 the district, the notice shall be published in at least one  
3 newspaper of general circulation in the county in which the  
4 district is located. The county judge shall give additional notice  
5 of the election by having a copy of the election order posted in a  
6 public place in each election precinct not later than the 21st day  
7 before election day.

8 (f) The election precincts and polling places usually used  
9 in the elections of the appropriate school district shall be used  
10 in an election held under this chapter. To the extent practical,  
11 the election shall be conducted in accordance with the general  
12 election laws.

13 (g) As soon as practical after the election, the appropriate  
14 county commissioners court shall canvass the returns and declare  
15 the result of the election. (New.)

16 Revisor's Note

17 (1) This section is added on the recommendation  
18 of the advisory committee. The present Chapter 19 does  
19 not provide for consistent methods or dates of notice,  
20 nor does it provide consistent dates for the elections  
21 involved. To the extent possible, this section  
22 standardizes the procedures to be followed in the  
23 elections prescribed by Chapter 19. The individual  
24 subchapters occasionally provide a different or  
25 additional rule as circumstances require. The  
26 reference to Sec. 2.01b, Vernon's Texas Election Code,  
27 states the current law, notwithstanding the absence of  
28 references in the present Chapter 19 to that section.

29 (2) Although the recommendation of the advisory  
30 committee regarding the number of signatures required  
31 on a petition addressed a specific section, the revised  
32 law expands on the recommendation to provide a

1 consistent signature requirement for all Chapter 19  
2 actions. The subcommittee adopted 10 percent of  
3 registered voters as an equitable requirement. By  
4 requiring the signature of "registered" rather than  
5 "qualified" voters, the revised law incorporates an  
6 advisory committee recommendation that a signer be  
7 presumed qualified to vote.

8 (3) The revised law provision relating to notice  
9 of the election derives both from the various  
10 provisions of Chapter 19, which generally require  
11 posting of notice, and from Art. 29e, Vernon's Texas  
12 Civil Statutes, which governs publication of notice of  
13 school district elections.

14 Revised Law

15 Sec. 19.004. ALLOCATION OF INDEBTEDNESS AND PERSONAL  
16 PROPERTY. (a) If under this chapter a school district assumes a  
17 portion of the indebtedness of another district, the commissioners  
18 court by order shall equitably allocate the indebtedness among the  
19 districts involved. If territory from one district is annexed to  
20 another or if a district is abolished, the commissioners court  
21 shall also equitably allocate among the receiving districts a  
22 portion of the personal property of the annexed district or all the  
23 personal property of an abolished district. If districts located  
24 in more than one county are involved, the commissioners courts of  
25 each county in which an involved school district is located must  
26 agree on the allocation of indebtedness and personal property.

27 (b) In allocating the indebtedness and personal property,  
28 the commissioners court shall consider the value of the properties  
29 involved and the taxable value of the districts involved.

30 (c) The order of the commissioners court is binding on the  
31 school districts and territory affected by the order.

(d) A school district required to assume the indebtedness of another district under this chapter is not required to conduct an election on assumption of the indebtedness. Without an election, the school district assuming the indebtedness may levy and collect taxes necessary to pay principal and interest on the assumed debt so long as the debt is outstanding.

7 (e) Without an election, a school district may issue  
8 refunding bonds for bonds of another district assumed under this  
9 chapter.

10 (f) If an entire district is annexed to or consolidated with  
11 another district, if a district is converted from a common to an  
12 independent school district, or if a school district is separated  
13 from an incorporated city or town, the governing board of the  
14 district as changed may, without an election, sell and deliver any  
15 unissued bonds voted in the district prior to the change, and may  
16 levy and collect taxes in the district as changed for the payment  
17 of principal and interest on bonds. (New.)

18 Revisor's Note

19           (1) This section is the result of an advisory  
20       committee recommendation that the chapter contain one  
21       section providing for adjustment of the bonded  
22       indebtedness of districts that undergo boundary  
23       changes.

24 In accordance with the recommendation, the  
25 section is based on Subchapter N of the present Chapter  
26 19, but the differences are significant. The present  
27 Chapter 19 provides for adjustment of the indebtedness  
28 in all but two cases--commissioners court annexation to  
29 create enlarged districts under the present Subchapter  
30 A and conversion of a common school district to an  
31 independent school district. In the latter of those  
32 two cases, mention of bonded indebtedness may not be

1           necessary but is nonetheless useful.

2           Among the present actions, Subchapter N is  
3           specifically adopted in four cases--detachment and  
4           annexation under Sec. 19.261, detachment and creation  
5           of a new district under Sec. 19.263, disannexation of  
6           territory from a municipal district under Sec. 19.165,  
7           and abolition of a common school district under  
8           Subchapter M. In all other cases, all or part of one  
9           district's indebtedness is assumed by another district,  
10          with distribution usually made on market value  
11          determinations. Occasionally, the statute involved  
12          will speak of assumption of all debt (e.g., Sec.  
13          19.245). In other instances, the statute addresses  
14          only bonded indebtedness (e.g., Sec. 19.301). In  
15          addition, there is no consistency as to whether an  
16          election is required in order for the district to  
17          assume the debt.

18          The present Subchapter N does not require an  
19          election for assumption of the debt, but allows the  
20          commissioners court to order a refunding bond election.  
21          If the election is not ordered by the district or  
22          fails, the commissioners court may levy the taxes  
23          necessary to retire the indebtedness. The  
24          commissioners court, under Sec. 19.437, may use other  
25          methods of adjusting the debt.

26          In order to present a consistent approach to  
27          adjusting indebtedness, the revised law:

28                 (1) requires the commissioners court to adjust  
29                 and allocate any outstanding indebtedness, bonded or  
30                 otherwise;

31                 (2) provides that a district that is allocated  
32                 all or part of another district's indebttness assumes it  
33                 without an election;

1           (3) provides that a district assuming  
2 indebtedness of another district may, without an  
3 election, levy the taxes necessary to pay the  
4 indebtedness; and

5           (4) removes the authority of the commissioners  
6 court to order refunding of bonds, but authorizes the  
7 school district assuming the debt to issue refunding  
8 bonds without an election.

9           This section of the revised law also provides a  
10 method of allocating personal property of districts  
11 involved in boundary changes, which the commissioners  
12 court may now do under Sec. 19.431. Each subchapter of  
13 the revised law contains a provision that vests title  
14 to real property in the district assuming the territory  
15 and provides for the assumption of the indebtedness.

16           Subchapter N reads:

17                       SUBCHAPTER N. ADJUSTMENT OF BONDED  
18                       INDEBTEDNESS BY COUNTY GOVERNING  
19                       BOARD

20                       Sec. 19.431. DUTY OF COUNTY  
21 GOVERNING BOARD. Whenever a board of  
22 county school trustees or a county board of  
23 education has participated in the creation  
24 of any new school district or in the  
25 changing of the boundaries of any existing  
26 district (whether by consolidation, by  
27 detachment-attachment, by subdivision, or  
28 by any other authorized means), it shall be  
29 the duty of the county governing board to  
30 make an adjustment of any outstanding  
31 bonded indebtedness and district properties  
32 of any district or districts affected.

33                       Sec. 19.432. BASIS FOR ADJUSTMENT.  
34 The county governing board shall take into  
35 consideration the value of the school  
36 properties and the taxable wealth of the  
37 districts affected and the territory so  
38 divided, detached, or added, as the case  
39 may be, to make an equitable adjustment of  
40 the indebtedness and the district  
41 properties between the districts affected  
42 and between the territory divided,  
43 detached, or added.

44                       Sec. 19.433. ADJUSTMENT ORDERS. (a)  
45 When the governing board has arrived at a  
46 satisfactory basis of such an adjustment,  
47 it shall have the power to make such orders  
48 in relation thereto as shall be conclusive

1 and binding upon the districts and the  
2 territory affected thereby.

3 (b) The county governing board may  
4 order the trustees of the districts  
5 affected to order an election for the  
6 issuing of such refunding bonds as may be  
7 necessary to carry out the purposes of the  
8 order of the county governing board.

9 Sec. 19.434. REFUNDING BOND  
10 ELECTION. In the event an election is  
11 ordered by the county governing board, it  
12 shall be the duty of the district trustees  
13 to order such election and to cause the  
14 same to be held.

15 Sec. 19.435. REFUNDING BONDS. (a)  
16 If a majority of the voters casting votes  
17 at a refunding bond election held to carry  
18 out the orders of the county governing  
19 board favoring the issuance of refunding  
20 bonds, the provisions of this section  
21 apply.

22 (b) The bonds shall be issued by the  
23 district trustees.

24 (c) The bonds shall be of the same  
25 denomination and carry the same interest  
26 rate and mature at the same time as the  
27 outstanding bonds owing by the district  
28 issuing them.

29 (d) The new bonds, when so issued,  
30 shall be subject to exchange for the  
31 outstanding bonds for which the district  
32 issuing them shall still be liable,  
33 according to the order adjusting the  
34 indebtedness. In the event an exchange of  
35 the new bonds for the outstanding bonds  
36 cannot be made, the new bonds of the  
37 district, to the amount of the old bonds  
38 for which it is still liable and to which  
39 no exchange can be made, shall be deposited  
40 in the county treasury to the account of  
41 the district.

42 (e) Taxes shall be levied and  
43 assessed only for the payment of interest,  
44 sinking fund, and principal of the new  
45 bonds so issued. The funds arising from  
46 taxation shall be used to discharge the  
47 principal and interest of such new bonds as  
48 have been issued and exchanged and such old  
49 bonds as have not been exchanged.

50 (f) When taxes are collected  
51 applicable to new bonds not exchanged and  
52 the proceeds applied to payment on old  
53 bonds not exchanged, the corresponding new  
54 bonds in the county treasury shall be  
55 credited with such payment and retired as  
56 the old un-exchanged bonds are retired.

57 Sec. 19.436. FAILURE OF BOND  
58 ELECTION. (a) If a refunding bond  
59 election held to carry out the orders of  
60 the county governing board fails to secure  
61 approval of a majority of the voters voting  
62 at such election or if the county governing  
63 board is unable otherwise to arrange an  
64 adjustment or settlement of outstanding  
65 bonded indebtedness, it shall be the duty



1 of the county governing board to certify to  
2 the commissioners court that the bonded  
3 indebtedness of the territories affected by  
4 the changes has not been adjusted.

5 (b) Upon receipt of such  
6 certification, it shall be the duty of the  
7 commissioners court thereafter annually to  
8 levy and cause to be assessed and collected  
9 from the taxpayers of the districts as they  
10 existed before the changes were made, the  
11 tax necessary to pay the interest, the  
12 sinking fund, and the principal of the  
13 indebtedness as it matures.

14 (c) It shall be the duty of each  
15 independent school district so affected to  
16 cause all funds in its hands, whether  
17 sinking funds or otherwise, which have been  
18 collected on account of such bonded  
19 indebtedness, to be transferred to the  
20 county treasurer of the county in which the  
21 district is situated, and the district  
22 shall thereafter cease to levy and collect  
23 any tax on account of such bonds.

24 (d) It shall be the duty of the  
25 county treasurer to keep all funds  
26 transferred by independent school districts  
27 affected and all funds collected by the  
28 taxation authorized in Subsection (b) of  
29 this section in separate accounts and apply  
30 the same only to the discharge of the  
31 existing bonded indebtedness and the  
32 interest thereon, it matures.

33 Sec. 19.437. DISCRETION OF COUNTY  
34 GOVERNING BOARD. The county school  
35 trustees or county boards of education as  
36 the case may be, shall not be restricted to  
37 the method of adjusting bonded indebtedness  
38 set out in the preceding sections of this  
39 subchapter, but they shall have full power  
40 and authority to make any legal and  
41 equitable adjustment and settlement that  
42 can be effected to adjust the bonded  
43 indebtedness of any district affected by  
44 any type of authorized boundary change.

45 (2) Because Secs. 19.004 and 19.006 of this  
46 revision eliminate the need for elections to assume  
47 debt or levy taxes following boundary changes, the  
48 revised law omits Subchapter O of the present Chapter  
49 19. The omitted subchapter reads:

50 SUBCHAPTER O. ADJUSTMENT OF BONDED  
51 INDEBTEDNESS BY DISTRICT TRUSTEES

52 Sec. 19.461. AUTHORITY OF DISTRICT  
53 TRUSTEES. The trustees of any school  
54 district, independent, common, or rural  
55 high school, as such district exists after  
56 consolidation, annexation, subdivision, or  
57 any other authorized type of boundary  
58 change, are authorized to call an election

for any one or all of the following purposes:

(1) To assume any bonded or other debt created by the district as it previously existed or by any district or districts wholly or partially incorporated in the district as constituted after the boundary change.

(2) To levy taxes for the payment of any previously existing debt of the district as it previously existed or by any district or districts wholly or partially incorporated in the district as constituted after the boundary change.

(3) To levy taxes for the further maintenance and operation of the district as constituted after the boundary change by the qualified taxpaying voters of the new district.

Sec. 19.462. ELECTION. Any election called under the authorization of Section 19.461 of this code shall be held at such time and in such manner and upon such notice as specified in Section 20.04 of this code. A rural high school election shall be held under the rules applicable to independent school districts.

(3) Provisions parallel to Sec. 19.004(f) of this revision may be found in Secs. 19.262(f), 19.105(i), and 19.135(i) of the present Chapter 19.

#### Revised Law

Sec. 19.005. EFFECTIVE DATE OF TRANSFER. (a) Except as provided by this section, the annexation of all or part of the territory of one district to another is effective on the first July 1 that is more than 30 days after the date of the order or ordinance accomplishing the annexation or of the declaration of the results of an election at which the transfer is approved.

(b) On the effective date of the transfer:

(1) students residing in the territory become residents of the receiving district;

(2) title to property allocated to the receiving district vests in the district;

(3) the receiving district assumes any debt allocated to it; and

(4) the receiving district assumes jurisdiction of the

1 annexed territory for all other purposes.

2 (c) If the annexation is appealed to the commissioner of  
3 education and is approved, the transfer is effective on a date set  
4 by the commissioner that is not earlier than the 30th day after the  
5 date of the commissioner's decision in the appeal. If the decision  
6 of the commissioner is appealed to the State Board of Education,  
7 the transfer, if approved, is effective on a date set by the board.  
8 (New).

9 Revisor's Note

10 This section is added at the recommendation of  
11 the advisory committee. The advisory committee  
12 originally recommended a date for transfer of the  
13 taxing authority only. The desirability of a uniform  
14 effective date for all aspects of the annexation became  
15 apparent later. See Sec. 19.006 and the revisor's note  
16 under that section.

17 Revised Law

18 Sec. 19.006. TAXING AUTHORITY TRANSFER. (a) If all or part  
19 of the territory of a school district is annexed to another  
20 district, the receiving district may levy taxes at the rate  
21 established in accordance with law for the district as a whole and  
22 is not required to conduct an election for the purpose of taxing  
23 the territory received.

24 (b) Conversion of a common school district or rural high  
25 school district to an independent school district or separation  
26 from municipal control does not affect the taxes levied for school  
27 purposes. The new district may levy and collect taxes at the same  
28 rate at which the taxes were previously levied and is not required  
29 to conduct an election for that purpose. (New.)

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Revisor's Note

Sections 26.13 and 26.14, Tax Code, provide rules governing the transfer of taxing authority following consolidation of school districts or annexation during the tax year. Subsection (a) of the revised law provides that annexation does not necessarily affect the receiving district's tax rate and negates the necessity of a tax election in the annexed territory. Subsection (b) provides that changes other than those addressed by the Tax Code provisions do not affect the taxes imposed for school purposes. The Tax Code provisions read:

Sec. 26.13. TAXING UNIT  
CONSOLIDATION DURING TAX YEAR. (a) If two or more taxing units consolidate into a single taxing unit after January 1, the governing body of the consolidated unit may elect to impose taxes for the current tax year either as if the unit as consolidated had existed on January 1 or as if the consolidation had not occurred.  
(b) The chief appraiser shall prepare and deliver an appraisal roll for the unit or units in accordance with the election made by the governing body.  
(c) Whatever the election, the assessor and collector for the unit, as consolidated shall assess and collect taxes on property that is taxable by the unit as consolidated.  
Sec. 26.14. ANNEXATION OF PROPERTY DURING TAX YEAR. (a) Except as provided by Subsection (b) of this section, a taxing unit may not impose a tax on property annexed by the unit after January 1.  
(b) If a taxing unit annexes territory during a tax year that was located in another taxing unit of like kind on January 1, each unit shall impose taxes on property located within its boundaries on the date the appraisal review board approves the appraisal roll for the district. The chief appraiser shall prepare and deliver an appraisal roll for each unit in accordance with the requirements of this subsection.  
(c) For purposes of this section, "taxing units of like kind" are taxing units that are authorized by the laws by or pursuant to which they are created to perform essentially the same services.



1        which each district involved is in the same appraisal  
2        district. Section 6.02, Tax Code, provides for  
3        appraisal district boundaries, but does not  
4        specifically address the situation in which annexed  
5        territory is in an appraisal district in which the  
6        receiving district does not participate. This section  
7        is intended to fill that gap.

8                If the receiving school district is located in  
9        more than one county and previously elected to use a  
10       single appraisal district, that election is permanent  
11       under Sec. 6.02, Tax Code, as long as the school  
12       district has territory in the county of the appraisal  
13       district it joined. Subsection (b) of the revised law  
14       is consistent with that rule by automatically extending  
15       the boundaries of the appraisal district to include the  
16       annexed territory.

17               If the receiving school district is located in  
18       more than one county, it had a limited time in which to  
19       choose a single appraisal district. Similarly, a newly  
20       created multi-county taxing unit has a limited time in  
21       which to choose a single appraisal district.  
22       Subsection (c) of the revised law extends that choice  
23       to single-county districts that become county-line  
24       districts by virtue of annexation and to county-line  
25       districts that originally chose not to use a single  
26       appraisal district but whose number of appraisal  
27       districts would be increased by annexation.

28               Under Subsec. (b) of the revised law, the annexed  
29       territory becomes part of the new appraisal district in  
30       the same year in which the annexation is effective.  
31       The revised law allows those districts either to use  
32       the values assessed by the former appraisal district or  
33       to pay for a reappraisal by the new district. Under

1 Subsec. (c) of the revised law, any change in the  
2 appraisal district for the annexed territory will not  
3 occur until the following tax year. The revised law  
4 therefore requires the receiving district to impose  
5 taxes on the basis of the value arrived at by the  
6 appraisal district in which the territory is located  
7 before the annexation.

8 The sections of the Tax Code cited in the revised  
9 law read:

10 Sec. 6.02. DISTRICT BOUNDARIES. (a)  
11 Except as otherwise provided by this  
12 section, the appraisal district's  
13 boundaries are the same as the county's  
14 boundaries.

15 (b) A taxing unit that has  
16 boundaries extending into two or more  
17 counties may choose to participate in only  
18 one of the appraisal districts. In that  
19 event, the boundaries of the district  
20 chosen extend outside the county to the  
21 extent of the unit's boundaries. If the  
22 unit chooses to participate in a district  
23 other than the district for the county in  
24 which the greatest number of its parcels of  
25 taxable real property are located, the  
26 choice must be approved by resolution of  
27 the board of directors of the district  
28 chosen.

29 (c) A taxing unit that chooses to  
30 participate in only one appraisal district  
31 as provided by Subsection (b) of this  
32 section must make the choice by an official  
33 action of its governing body in the manner  
34 required by law for official action by the  
35 body adopted at least 90 days before the  
36 first day of the tax year in which  
37 appraisal districts first begin appraising  
38 property for ad valorem tax purposes or, if  
39 the unit is newly created, at least 90 days  
40 before the first day of the next tax year  
41 after the year in which it is created. The  
42 choice made by a taxing unit is binding and  
43 may not be repealed or modified while the  
44 unit's boundaries extend into the county in  
45 which the appraisal district it joins is  
46 located. However, if the unit ceases to  
47 have territory in that county but still has  
48 territory in two or more counties, the unit  
49 may choose to participate in only one  
50 district in the manner prescribed by this  
51 subsection. The choice must be made at  
52 least 90 days before the first day of the  
53 next tax year.

54 [(d) Repealed by Acts 67th Leg., 1st  
55 C.S., Ch. 13, 1981.]

56 (e) All costs of operating an

1 appraisal district in territory outside the  
2 county for which the appraisal district is  
3 established are allocated to the taxing  
4 unit that chooses to add that territory to  
5 the district. If two or more taxing units  
6 add the same territory to an appraisal  
7 district, costs of operating the district  
8 in that territory are allocated to the  
9 units in the proportion the total dollar  
10 amount of taxes each unit imposes in that  
11 territory bears to the total dollar amount  
12 of taxes all taxing units participating in  
13 the appraisal district impose in that  
14 territory.

15 Sec. 25.18. PERIODIC REAPPRAISALS.

16 (a) Each appraisal office shall implement  
17 a plan for periodic reappraisal of property  
18 to update appraised values.

19 [Text of subsection effective until January 1, 1984]

20 (b) The plan shall provide for  
21 review of all real property in the district  
22 or county, as applicable, at least once  
23 every five years.

24 [Text of subsection effective January 1, 1984]

25 (b) The plan shall provide for  
26 reappraisal of all real property in the  
27 district at least once every four years.

28 (c) A taxing unit by resolution  
29 adopted by its governing body may require  
30 the appraisal office to appraise all  
31 property within the unit or to identify and  
32 appraise newly annexed territory and new  
33 improvements in the unit as of a date  
34 specified in the resolution. On or before  
35 the deadline requested by the taxing unit,  
36 which deadline may not be less than 30 days  
37 after the date the resolution is delivered  
38 to the appraisal office, the chief  
39 appraiser shall complete the appraisal and  
40 deliver to the unit an estimate of the  
41 total appraised value of property taxable  
42 by the unit as of the date specified in  
43 such resolution. The unit must pay the  
44 appraisal district for the cost of making  
45 the appraisal. The chief appraiser shall  
46 provide sufficient personnel to make the  
47 appraisals required by this subsection on  
48 or before the deadline requested by the  
49 taxing unit. An appraisal made pursuant to  
50 this subsection may not be used by a taxing  
51 unit as the basis for the imposition of  
52 taxes.





1           1950 census and the nine-member board requirement, the  
2           law was designed to apply only to Dallas Independent  
3           School District. Because of either population growth  
4           or changes in the number of trustees, the law now  
5           applies to Dallas ISD, Fort Worth ISD, and Houston ISD.

6           (2) The law codified as Sec. 19.332, Texas  
7           Education Code, was originally enacted in 1959 and its  
8           scholastic population bracket has never been changed.  
9           Under the scholastic census reported for 1957-1958, the  
10          law was designed to apply to the following independent  
11          school districts: Austin, Corpus Christi, Dallas, El  
12          Paso, Fort Worth, Houston, and San Antonio. Under the  
13          last scholastic census reported (as it appears in the  
14          1968-1969 Annual Statistical Report of the education  
15          agency), Amarillo ISD, Lubbock ISD, Pasadena ISD,  
16          Spring Branch ISD, and Ysleta ISD grew into the  
17          scholastic population bracket. The scholastic census  
18          has not been taken since that report, and the statutory  
19          authority for it was repealed in 1975. A possible  
20          interpretation of the current law is that the repeal of  
21          the scholastic census "froze" the bracket to include  
22          only those named school districts, since that census  
23          was the "last official scholastic census." That  
24          interpretation would probably result in the statute  
25          being a special law regulating the affairs of school  
26          districts, which is unconstitutional under Article III,  
27          Section 56, of the Texas Constitution.

28          To avoid the frozen bracket interpretation and  
29          retain the law to the extent possible, the revised law  
30          uses average daily attendance to create a bracket that  
31          included most of the districts to which the law applied  
32          on the basis of the 1968-1969 report. For the  
33          1980-1981 school year, the bracket of 27,400 includes

1 all of the school districts previously mentioned other  
2 than Amarillo ISD, which for 1980-1981 had an ADA of  
3 23,312, compared with 27,267 for 1968-1969. Amarillo  
4 ISD has, in essence, "fallen" from the bracket. In  
5 addition, the bracket chosen includes Northside ISD in  
6 Bexar County (30,857), North East ISD in Bexar County  
7 (31,304), Pasadena ISD in Harris County (32,516),  
8 Aldine ISD in Harris County (30,538), Richardson ISD in  
9 Dallas County (34,062), and Arlington ISD in Tarrant  
10 County (30,096). Those districts have "grown" into the  
11 bracket.

12 (3) The revised law omits the reference in Sec.  
13 19.331 to "the last preceding federal census" because  
14 under Sec. 1.04 of the Code Construction Act (V.A.C.S.  
15 Art. 5429b-2), any reference in an enacted code to  
16 population is a reference to the last federal census.

17 Revised Law

18 Sec. 19.009. APPEALS. (a) A decision of a commissioners  
19 court under this chapter may be appealed in the manner prescribed  
20 by Section 11.13 of this code.

21 (b) If this chapter requires the agreement of or action by  
22 two or more commissioners courts, and the commissioners courts fail  
23 to agree or take action within a reasonable time set by rule of the  
24 State Board of Education, a person aggrieved by the failure may  
25 appeal to the commissioner of education for resolution of the  
26 issue. (New.)

27 Revisor's Note

28 This section is added on the recommendation of  
29 the advisory committee. Decisions under the present  
30 Chapter 19 are appealable because, by virtue of  
31 Subchapter G, Chapter 17, decisions of the

1 commissioners court are equivalent to decisions of the  
2 county board of trustees or board of education.  
3 Subsection (a) of the revised law clarifies that this  
4 revision's transfer of duties to the commissioners  
5 court does not affect the appealability of those  
6 decisions.

7 Subsection (b) of the revised law provides a  
8 method for resolving a dispute between counties in  
9 situations in which more than one commissioners court  
10 is involved in the boundary change and they cannot  
11 agree on issues about which the law requires their  
12 agreement.

13 [Sections 19.010-19.020 reserved for expansion]

14 SUBCHAPTER B. DETACHMENT; ANNEXATION

15 Revised Law

16 Sec. 19.021. ENLARGING DISTRICTS BY ANNEXING OTHER  
17 DISTRICTS. (a) The commissioners court of any county may create  
18 enlarged districts by annexing one or more common school districts  
19 or one or more independent school districts having less than 250  
20 students in membership on the last day of the preceding school year  
21 to an independent school district having 150 or more students in  
22 membership on the last day of the preceding school year.

23 (b) An enlarged district created under this section is an  
24 independent school district.

25 (c) Title to property of each annexed district vests in the  
26 enlarged district, and the enlarged district assumes and is liable  
27 for the indebtedness of each annexed district. (Sec. 19.001.)



1 indebtedness or transfer of title in this situation.

2 Revised Law

3 Sec. 19.022. DETACHMENT AND ANNEXATION OF TERRITORY. (a)  
4 If petitioned under this section, the commissioners court may  
5 detach territory from a school district and annex the territory to  
6 a school district that is contiguous to the detached territory. If  
7 the territory is located in more than one county, or if one of the  
8 affected school districts is located in more than one county, the  
9 petition must be presented to the commissioners court of each  
10 county involved. Each commissioners court must conduct the hearing  
11 and enter the order required by this section for the annexation to  
12 be effective.

13 (b) The petition requesting detachment and annexation must:

14                   (1) be signed by a majority of the registered voters  
15     residing in the territory to be detached from one district and  
16     added to the other; and

17 (2) give the metes and bounds of the territory to be  
18 detached from one district and added to the other.

19 (c) The proposed annexation must be approved by a majority  
20 of the board of trustees of the receiving district.

(d) Unless the petition is signed by a majority of the trustees of the district from which the territory is to be detached, territory may not be detached from a school district under this section if detachment would reduce that district's tax base by a ratio at least twice as large as the ratio by which it would reduce its membership. The first ratio is determined by dividing the assessed value of taxable property in the affected territory by the assessed value of all taxable property in the district, both figures according to the preceding year's tax rolls. The second ratio is determined by dividing the number of students residing in the affected territory by the number of students residing in the district as a whole, using membership on the last

1 day of the preceding school year and the students' places of  
2 residence as of that date.

3 (e) A school district may not be reduced to an area of less  
4 than nine square miles.

5 (f) Immediately following receipt of the petition and notice  
6 of the approval as required by this section, the commissioners  
7 court shall give notice of the contemplated change by publishing  
8 and posting a notice in the manner required for an election order  
9 under Section 19.003 of this code. In addition, the commissioners  
10 court shall give written notice to the trustees of each affected  
11 district. The notice must specify the place and date at which a  
12 hearing on the matter shall be held. At the hearing, affected  
13 persons, including the trustees of affected districts, are  
14 entitled to an opportunity to be heard.

15 (g) At the hearing, the commissioners court shall consider  
16 the social, economic, and educational effects of the proposed  
17 annexation. After the conclusion of the hearing, the commissioners  
18 court may adopt an order transferring the territory and redefining  
19 the boundaries of the districts affected by the transfer. The  
20 order shall be recorded in the minutes of the court.

21 (h) Title to all real property of the annexed district  
22 within the territory annexed vests in the receiving district, and  
23 the receiving district assumes and is liable for any portion of the  
24 annexed district's indebtedness that is allocated to the receiving  
25 district under Section 19.004 of this code. (Sec. 19.261.)

26 Source Law

27 Sec. 19.261. DETACHMENT AND ANNEXATION. (a)  
28 The county school trustees or county board of  
29 education, as the case may be, in each county of this  
30 state shall have the authority, when duly petitioned as  
31 herein provided and in compliance with the limitations  
32 of Subchapter K of this chapter, to detach from and  
33 annex to any school district territory contiguous to  
34 the common boundary line of the two districts.

35 (b) The petition requesting detachment and  
36 annexation must:

37 (1) be signed by a majority of the

1 qualified voters residing in the territory to be  
2 detached from one district and added to the other; and

3 (2) give the metes and bounds of the  
4 territory to be detached from one district and added to  
5 the other.

6 (c) The proposed annexation must be approved by  
7 a majority of the board of trustees of the district to  
8 which the annexation is to be made.

9 (d) Unless the petition is signed by a majority  
10 of the trustees of the district from which the  
11 territory is to be detached, no school district  
12 territory may be detached where the ratio of the number  
13 of scholastics residing in the area to be detached to  
14 the total number of the scholastics residing in the  
15 district from which the territory is to be detached is  
16 less than one-half the ratio of the assessed valuation  
17 (based on preceding year valuations) in the territory  
18 to be detached to the total assessed valuation (based  
19 on the preceding year valuations) of the district from  
20 which the area is to be detached.

21 (e) No school district may be reduced to an area  
22 of less than nine square miles.

23 (f) Upon receipt of the petition and notice of  
24 the approval as required by this section, the county  
25 governing board shall notify the trustees of any other  
26 common school districts which may be affected by any  
27 contemplated change and specify the place and date at  
28 which a hearing on the matter shall be held and at  
29 which the trustees of any common school district to be  
30 affected shall be given an opportunity to be heard.

31 (g) After the conclusion of the hearing, the  
32 county governing board may pass an order transferring  
33 the territory and redefining the boundaries of the  
34 district affected by the transfer. The order shall be  
35 recorded in the minutes of the county governing board.

36 (h) Any outstanding indebtedness affected by a  
37 change in boundaries shall be adjusted by the county  
38 governing board as provided in Subchapter N of this  
39 chapter.

#### 40 Revisor's Note

41 (1) On recommendation of the advisory committee,  
42 the revised law requires that notice of the  
43 contemplated change be given to any interested person  
44 rather than only to the trustees affected. Also on  
45 recommendation of the advisory committee, the revised  
46 law requires that the commissioners court consider the  
47 social, economic, and educational effects of the  
48 change. Present law establishes no standards for the  
49 commissioners court's consideration.

50 (2) Although the source law appears to be  
51 limited to school districts located wholly within one



1 county, the revised law provides for detachment and  
2 annexations involving more than one county. The change  
3 was recommended by the advisory committee.

4 (3) Subchapter K of the present Chapter 19,  
5 referred to in Sec. 19.261(a), is codified as Sec.  
6 19.008 of this revision. The cross-reference is  
7 unnecessary and is omitted.

8 Revised Law

9 Sec. 19.023. ANNEXATION OF DISTRICTS IN LARGE COUNTIES. (a)  
10 A school district located in a county with a population of 210,000  
11 or more may be annexed to a contiguous independent school district  
12 as provided by this section. For purposes of this section, a  
13 school district is located in the county in which the greatest area  
14 of the district lies.

15 (b) Annexation is initiated by a petition requesting an  
16 election on the question. The petition must be presented to the  
17 county judge and must:

18 (1) request annexation to a specified independent  
19 school district;

20 (2) describe the district proposed to be annexed; and

21 (3) be signed by a majority of the board of trustees  
22 of the district seeking annexation or by the required number of  
23 registered voters.

24 (c) The proposed annexation must be approved by a majority  
25 of the board of trustees of the independent school district to  
26 which the petitioning district seeks to be annexed, and the board  
27 shall give notice of approval to the commissioners court.

28 (d) Immediately following receipt of the petition and notice  
29 of approval, the commissioners court shall conduct a hearing at  
30 which it considers the social, economic, and educational effects of  
31 the proposed annexation. If the proposed annexation appears to the  
32 court to be in the best interests of the districts affected, the

1 commissioners court shall order an election to be held within the  
2 petitioning district at its expense.

3 (e) If the receiving district is located in a county  
4 different from that in which the petitioning district is located,  
5 the petition and notice of receiving district approval must also be  
6 presented to the county judge of the county in which the receiving  
7 district is located. The commissioners court of that county shall  
8 conduct a hearing under Subsection (d) of this section, except that  
9 by the order entered the commissioners court shall agree or  
10 disagree that the annexation is in the best interests of the  
11 districts involved. The election on annexation may be conducted  
12 only if the commissioners court of the county in which the  
13 receiving district is located agrees that the annexation is in the  
14 best interests of the districts.

15 (f) The ballot shall be printed to provide for voting for or  
16 against the proposition: "Annexation of \_\_\_\_\_  
17 School District to \_\_\_\_\_ School District."

18 (g) An election in the receiving district is not necessary  
19 on the question of annexation.

20 (h) If the majority of votes are cast in favor of the  
21 annexation, the commissioners court of the county in which the  
22 petitioning district is located and the board of trustees of the  
23 receiving district shall each enter an order on its minutes:

24 (1) declaring the petitioning district to be duly  
25 annexed to the receiving district and subject to all the laws  
26 governing the same; and

27 (2) redefining the boundaries of the receiving  
28 district showing the annexation.

29 (i) A certified copy of the order of the commissioners court  
30 shall be transmitted to the county clerk of each county involved  
31 and shall be recorded in the county school district records.

32 (j) Title to all property of the annexed district vests in  
33 the receiving district and the receiving district assumes and is

1     liable for the outstanding indebtedness of the annexed district.  
2     Any tax in effect in the receiving independent school district  
3     continues and applies to the entire independent district as  
4     constituted after annexation is completed.

5             (k) The receiving district continues as the same district  
6     and may operate in all respects as it did prior to the annexation  
7     except that the annexed territory shall become liable for all  
8     indebtedness, subject to all taxes, and be a part thereof for all  
9     purposes as though originally included in the independent district.  
10    (Sec. 19.262.)

11                             Source Law

12             Sec. 19.262. ANNEXATION OF DISTRICTS IN LARGER  
13     COUNTIES. (a) In every county in this state having a  
14     population of 210,000 or more according to the last  
15     preceding Federal census, any school district may be  
16     annexed to any contiguous independent school district  
17     as herein provided.

18             (b) There shall be presented to the county  
19     school trustees or county board of education, as the  
20     case may be, a petition which shall:

21                 (1) request annexation to a specified  
22     independent school district;

23                 (2) state the metes and bounds of the  
24     district proposed to be annexed; and

25                 (3) be signed by a majority of the board  
26     of trustees of the district seeking annexation or by  
27     not less than 20 qualified voters of such district.

28             (c) The proposed annexation must be approved by  
29     a majority of the board of trustees of the independent  
30     school district to which the petitioning district seeks  
31     to be annexed.

32             (d) Upon receipt of the petition and notice of  
33     approval, the county governing board, if the proposed  
34     annexation appears to it to be in the best interest of  
35     the districts affected, shall enter its order for an  
36     election to be held within the petitioning district at  
37     its expense.

38             (e) The following propositions shall be  
39     submitted at the election: "For the annexation of  
40     \_\_\_\_\_ School District to  
41     \_\_\_\_\_ School District" and the  
42     contrary thereof.

43             (f) No election in the receiving district shall  
44     be necessary on the question of annexation and the  
45     governing board of the receiving independent school  
46     district, without the necessity of an additional  
47     election, shall have the power to assess, levy and  
48     collect ad valorem taxes on all taxable property within  
49     the boundaries of the district as changed, for the  
50     purposes of the maintenance of public free schools  
51     therein, and the payment of principal of and interest  
52     on all bonded indebtedness outstanding against, or

1 attributable, adjusted or allocated to, such district  
2 or any territory therein, in the amount, at the rate,  
3 or not to exceed the rate, and in the manner authorized  
4 in the district prior to the change in its boundaries,  
5 and further in accordance with the laws under which all  
6 such bonds, respectively, were voted; and such  
7 governing body also shall have the power, without the  
8 necessity of an additional election, to sell and  
9 deliver any unissued bonds voted in the district prior  
10 to any such change in boundaries, and to assess, levy  
11 and collect ad valorem taxes on all taxable property in  
12 the district as changed, for the payment of principal  
13 of and interest on such bonds in the manner permitted  
14 by the laws under which such bonds were voted.

15 (g) The county governing board and the board of  
16 trustees of the receiving district shall each enter an  
17 order on its minutes:

18 (1) declaring the petitioning district to  
19 be duly annexed to the receiving district and subject  
20 to all the laws governing the same; and

21 (2) redefining the boundaries of the  
22 receiving district showing the annexation.

23 (h) A certified copy of the order of the county  
24 governing board shall be transmitted to the county  
25 clerk of the county and recorded in the "Record of  
26 School Districts" of the county.

27 (i) Title to all property, real and personal, of  
28 the annexed district shall vest in the receiving  
29 district. The receiving district shall have complete  
30 authority over and management of the public schools in  
31 the territory annexed.

32 (j) The receiving district shall assume all  
33 outstanding indebtedness of the annexed district,  
34 bonded or otherwise. Any tax in effect in the  
35 receiving independent school district shall continue  
36 and become effective and apply to the entire  
37 independent district as constituted after annexation is  
38 completed.

39 (k) The independent receiving district shall  
40 continue as the same district and operate in all  
41 respects as it was prior to the annexation except that  
42 the annexed territory shall become liable for all  
43 indebtedness, subject to all taxes, and be a part  
44 thereof for all purposes as though originally included  
45 in the independent district.

46 Revisor's Note

47 (1) The population bracket of this section,  
48 which was originally enacted in 1947 and has not been  
49 changed, made this section initially apply only to  
50 Bexar, Dallas, Harris, and Tarrant counties. As a  
51 result of population changes, this section now applies  
52 to the following additional counties, effective with  
53 the census indicated: Cameron (1980), El Paso (1960),  
54 Hidalgo (1980), Jefferson (1960), Lubbock (1980),

1 Nueces (1960), and Travis (1960).

2 (2) The revised law changes the ballot  
3 proposition to a single proposition in order to conform  
4 this section with Art. 6.05(8), Vernon's Texas Election  
5 Code, which requires a single ballot proposition.

6 (3) The revised law omits the reference to "the  
7 last preceding federal census" because Sec. 1.04 of the  
8 Code Construction Act (Art. 5429b-2, Vernon's Texas  
9 Civil Statutes) provides that any reference to  
10 population in an enacted code is a reference to the  
11 last federal census.

12 (4) The revised law omits the requirement that  
13 the petition state the metes and bounds of the proposed  
14 district because it is a difficult requirement to meet  
15 and is of little practical use.

16 (5) The revised law requires the petition to be  
17 presented to the county judge in order to conform this  
18 section to the general rule provided by Sec. 19.003 of  
19 this code.

20 (6) On recommendation of the advisory committee,  
21 the revised law provides for annexations involving  
22 school districts located in contiguous counties.

23 Revised Law

24 Sec. 19.024. CREATION OF DISTRICT IN RESPONSE TO PETITION  
25 FOR DETACHMENT. (a) A new independent school district may be  
26 created by detaching territory from existing contiguous districts  
27 and uniting the territory into a new district.

28 (b) Creation of a new district by detachment is initiated by  
29 a petition presented to the commissioners court. The petition  
30 must:

31 (1) give the metes and bounds of the proposed new  
32 district;

1           (2) be signed by the required percentage of the  
2 registered voters residing in each territory to be detached from an  
3 existing district; and

4           (3) be addressed to the commissioners court of the  
5 county in which the territory of the proposed district is located  
6 or, if the territory is in more than one county, to the  
7 commissioners court of each county in which the territory is  
8 located.

9           (c) Immediately following receipt of a valid petition, the  
10 commissioners court shall order an election to be held by each  
11 school district from which territory is to be detached. The school  
12 districts shall order and conduct the election in the manner  
13 prescribed by Section 19.003 of this code. The school districts  
14 shall report the results of the election to the appropriate  
15 commissioners courts, which shall declare the results of the  
16 election. The new district is created only if the proposition  
17 receives a majority of the votes in each district, not including  
18 the territory to be detached, and a majority of the votes in the  
19 territory to be detached from each district.

20           (d) The ballot shall be printed to provide for voting for or  
21 against the proposition: "Creation of a new school district from  
22 territory that includes the following territory from the  
23 \_\_\_\_\_ School District: \_\_\_\_\_." The ballot  
24 description of the territory to be detached must be sufficient to  
25 give general notice of the territory affected.

26           (e) A new district may not be created with an area of less  
27 than nine square miles, and a district may not be reduced to an  
28 area of less than nine square miles.

29           (f) Any district affected, either remaining or newly  
30 created, must have sufficient taxable valuations to support an  
31 efficient school system.

32           (g) If all the requirements of this section are met, the  
33 commissioners court shall enter an order creating the new school

1 district. If the new district embraces territory in two or more  
2 counties, the order must be concurred in by the commissioners court  
3 of each county concerned.

4 (h) At the time the order establishing the district is made,  
5 the commissioners court in which the largest portion of the  
6 district's territory is located shall appoint a board of trustees  
7 for the new independent school district to serve until the next  
8 regular election of trustees when a board of trustees shall be  
9 elected in compliance with Chapter 23 of this code.

10 (i) Title to school district real property in the territory  
11 detached vests in the new district, and the new district assumes  
12 and is liable for any portion of outstanding indebtedness of the  
13 district from which the territory was taken that is allocated to  
14 the new district under Section 19.004 of this code.

15 (j) A new district, when created in compliance with this  
16 section, has all the rights and privileges of other independent  
17 school districts. (Sec. 19.263.)

18 Source Law

19 Sec. 19.263. CREATION OF DISTRICTS IN RESPONSE  
20 TO PETITION FOR DETACHMENT. (a) Subject to the  
21 limitations contained in Subchapter K of this chapter,  
22 and in conformity with the following provisions, new  
23 school districts, either independent or common, may be  
24 created by detaching territory from existing contiguous  
25 districts and uniting such territory into a new  
26 district.

27 (b) A petition requesting the creation of a new  
28 school district shall:

29 (1) give the metes and bounds of the  
30 proposed new district;

31 (2) be signed by a majority of the  
32 qualified voters residing in each territory to be  
33 detached from an existing district; and

34 (3) be addressed to the county governing  
35 board of the county in which the territory of the  
36 proposed district is located, or, if the territory is  
37 in more than one county, to the county governing board  
38 of the county in which the principal school of the new  
39 district is to be located and in which the  
40 administrative jurisdiction of the proposed district is  
41 to be vested.

42 (c) The county governing board to which the  
43 petition is addressed must give notice of the proposed  
44 action in writing to the officers of the boards of  
45 trustees of each district whose area would be affected

1 by the creation of the proposed district. The officers  
2 of the boards of trustees of each district to be  
3 affected must be given an opportunity to be heard by  
4 the county governing board to whom the petition is  
5 addressed.

6 (d) In the event the territory to be detached  
7 from any district exceeds 10 percent of the total area  
8 of the district, the proposed detachment must be  
9 approved in writing by a majority of the board of  
10 trustees of the district.

11 (e) No new district may be created within an  
12 area of less than nine square miles; and no district  
13 shall be reduced below an area of nine square miles.

14 (f) Any district affected, either remaining or  
15 newly created, must have sufficient taxable valuations  
16 to support an efficient school system.

17 (g) If all the requirements of this section are  
18 met, the county governing board to which the petition  
19 was addressed may enter its order creating the new  
20 school district. If the new district embraces  
21 territory in two or more counties, the orders affecting  
22 its establishment shall be concurred in by the county  
23 governing boards of each county concerned.

24 (h) At the time the order establishing the  
25 district is made, the county governing board having  
26 jurisdiction over the new district shall appoint a  
27 board of trustees for the new common or independent  
28 school district, as the case may be, to serve until the  
29 next regular election of trustees when a board of  
30 trustees shall be elected in compliance with the  
31 provisions of Chapter 22 of this code governing common  
32 school districts or the provisions of Chapter 23 of  
33 this code governing independent school districts,  
34 whichever is applicable.

35 (i) Any bonded indebtedness affected by the  
36 establishment of a new district shall be adjusted by  
37 the county school trustees or county board of  
38 education, as the case may be, as provided in  
39 Subchapter N of this chapter.

40 (j) Before any tax may be levied over the  
41 territory of the new district for the liquidation of  
42 its proportionate part of the outstanding bonded  
43 indebtedness of any district from which the territory  
44 of the new district was taken, the new district shall  
45 vote to assume the indebtedness and to authorize the  
46 levy of the necessary taxes.

47 (k) Such elections shall be held in accordance  
48 with the provisions governing bond tax elections in a  
49 common or independent school district, whichever is  
50 applicable.

51 (l) A new district, when created in compliance  
52 with the terms of this section, shall have all the  
53 rights and privileges of an independent or a common  
54 school district.

55 Revisor's Note

56 The subcommittee determined that creation of new  
57 districts by detachment should be discouraged because  
58 it affords the opportunity to avoid desegregation or to



1 significantly reduce the tax base of an existing  
2 district. The subcommittee therefore recommended that  
3 the creation of a new district by detachment result  
4 only after an election in the affected districts and  
5 the territory to be detached and that a majority of  
6 those voting in each area favor the creation.

7 Revised Law

8 Sec. 19.025. DORMANT SCHOOL DISTRICTS. (a) If the  
9 commissioner of education determines that a school district has  
10 failed to operate a school for a full school year, the commissioner  
11 shall report to each appropriate commissioners court that the  
12 district is dormant.

13 (b) The commissioners court of a county shall by order annex  
14 each dormant school district within the county with an adjoining  
15 district or districts. If the dormant district is a county-line  
16 district, the commissioners court of each county in which the  
17 district is located shall annex the territory of the dormant  
18 district that is within that county.

19 (c) The governing board of the district to which a dormant  
20 school district is annexed continues to be the governing board for  
21 the new district.

22 (d) The order of the commissioners court shall define by  
23 legal boundary description the territory of the new district as  
24 enlarged and shall be recorded in the minutes of the commissioners  
25 court.

26 (e) Title to the real property of the dormant district vests  
27 in the district to which the property is annexed. Each district to  
28 which territory is annexed assumes and is liable for any portion of  
29 the dormant district's indebtedness that is allocated to the  
30 receiving district under Section 19.004 of this code. (Sec.  
31 19.246.)

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Source Law

Sec. 19.246. DORMANT SCHOOL DISTRICTS. (a) The county school boards of all counties of the state shall consolidate by order of the board each dormant school district within the county with an adjoining district or districts.

(b) The term "dormant school district" means any school district that fails to operate a school in the district each school year.

(c) The governing board of the district with which a dormant school district is consolidated shall continue to be the governing board for the new district.

(d) In each case, the consolidation order of the county school board shall define by legal boundary description the territory of the new district as so enlarged and shall be recorded in the minutes of the county school board as provided by law.

(e) Elections shall be held when required by law in such consolidated districts for the assumption of outstanding bonds, if any, for the levying of taxes therefor, and for the levying of a local maintenance tax.

(f) If a county-line district is or becomes dormant, the consolidation provisions of this section shall apply to all counties affected to the extent of territory in each.

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Revisor's Note

The revised law describes the action under this section as "annexation" rather than "consolidation."

"Annexation" is a better description of the action because the districts to which the territory is adjoined do not take on the characteristics of a consolidated district formed by voluntary action of two or more districts.

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Revised Law

Sec. 19.026. TERRITORY NOT IN SCHOOL DISTRICT. (a) All real property must be included within the limits of a school district. At any time it is determined that there is territory located in a county but not within the described limits of a school district, the commissioners court shall annex the territory to an adjoining district or districts.

(b) The annexation order shall define by legal boundary

1 description the territory of the new district and shall be recorded  
2 in the minutes of the commissioners court. (Sec. 19.247.)

3 Source Law

4 Sec. 19.247. TERRITORY NOT IN SCHOOL DISTRICT.  
5 (a) All property subject to school district taxation  
6 in the state must be included within the limits of a  
7 school district and a proper and proportionate tax paid  
8 thereon for school purposes. Therefore, at any time it  
9 may be determined there is territory located in a  
10 county but not within the described limits of a school  
11 district, the county school board shall add the  
12 territory to an adjoining district or districts.  
13 (b) In each case, the order of consolidation  
14 shall define by legal boundary description the  
15 territory of the new district and shall be recorded in  
16 the minutes of the county school board as provided by  
17 law.

18 Revisor's Note

19 The revised law describes action under this  
20 section as "annexation" rather than "consolidation"  
21 because the enlarged district resulting from the  
22 assignment of territory does not take on the  
23 characteristics of a consolidated district.

24 [Sections 19.027-19.050 reserved for expansion]

25 SUBCHAPTER C. CONSOLIDATION

26 Revised Law

27 Sec. 19.051. DISTRICTS THAT MAY CONSOLIDATE. (a) By the  
28 procedure described in this subchapter, any of the following groups  
29 of school districts may consolidate into a single school district:

30 (1) two or more contiguous independent school  
31 districts;

32 (2) two or more contiguous common school districts; or

33 (3) one or more independent school districts and one  
34 or more common school districts constituting as a whole one  
35 continuous territory.

1 (b) The consolidated district may include area in more than  
2 one county. (Sec. 19.231.)

3 Source Law

4 Sec. 19.231. DISTRICTS WHICH MAY CONSOLIDATE.  
5 (a) Subject to the limitation of Subchapter K of this  
6 chapter, any of the following groups of school  
7 districts may, by the procedure described in this  
8 subchapter, consolidate into a single school district:  
9 (1) two or more contiguous common or  
10 county-line common school districts;  
11 (2) two or more contiguous independent or  
12 county-line independent school districts;  
13 (3) one or more independent or county-line  
14 independent school districts and one or more common or  
15 county-line common school districts constituting as a  
16 whole one continuous territory;  
17 (4) a rural high school district and one  
18 or more contiguous common or county-line common school  
19 districts; or  
20 (5) one or more rural high school  
21 districts and one or more independent or county-line  
22 independent school districts, where all of the  
23 districts constitute as a whole one continuous  
24 territory.  
25 (b) The combined districts may all be located  
26 wholly within a single county, or they may be located  
27 in adjoining counties; or the combined districts may be  
28 composed of one or more districts located wholly within  
29 one or more counties and one or more county line  
30 districts.

31 Revisor's Note

32 (1) Of the few remaining common school  
33 districts, only Crockett County Consolidated Common  
34 School District in Crockett County and Juno Common  
35 School District in Val Verde County are contiguous.

36 (2) Subchapter K of the present Chapter 19,  
37 referred to in Sec. 19.231(a), is codified in this  
38 revision as Sec. 19.008. The cross-reference is  
39 unnecessary and is omitted.

40 Revised Law

41 Sec. 19.052. PETITION. Consolidation is initiated by a  
42 petition requesting an election on the question. The petition must  
43 be signed by the required number of registered voters of each of

1 the districts proposed to be consolidated and must be presented to  
2 the county judge of each county in which the school districts are  
3 located. (Sec. 19.232.)

4 Source Law

5 Sec. 19.232. PETITION. A petition signed by 20  
6 or a majority of the legally qualified voters of each  
7 of the several contiguous school districts proposed to  
8 be consolidated and praying for an election to  
9 authorize the consolidation shall be presented to the  
10 county judge of the county in which the school  
11 districts are located, or if one or more districts to  
12 be consolidated is a county-line district, to the  
13 county judge of the respective county or counties  
14 having jurisdiction thereof.

15 Revisor's Note

16 Section 19.003 of this revision replaces some of  
17 the petition requirements of the source law.

18 Revised Law

19 Sec. 19.053. ELECTION ORDER; NOTICE. (a) Each county judge  
20 receiving a valid petition shall:

21 (1) issue an order for an election to be held on the  
22 same day in each district included in the proposed consolidated  
23 district; and

24 (2) give notice of the election.

25 (b) The ballot in the election shall be printed to provide  
26 for voting for or against the proposition: "Consolidation of  
27 (name of school districts) into a single school district."  
28 (Sec. 19.233.)

29 Source Law

30 Sec. 19.233. ELECTION ORDER; NOTICE. Upon the  
31 receipt of a petition fulfilling the qualifications of  
32 Section 19.232 of this code, each county judge shall:

33 (1) issue an order for an election to be  
34 held on the same day in each district included in the  
35 proposed consolidated district; and

36 (2) give notice of the date and purpose of  
37 the election by publication of the order in some

1 newspaper published in the county two times at least 20  
2 days prior to the date on which the elections are to be  
3 held and by posting a notice of the election in each of  
4 the districts.

5 Revisor's Note

6 Section 19.003 of this revision replaces some of  
7 the notice requirements of the source law. The ballot  
8 proposition is new with the revised law; the present  
9 Chapter 19 specifies a proposition in some cases but  
10 not in others.

11 Revised Law

12 Sec. 19.054. CANVASS; RESULT. (a) The commissioners court  
13 of each county shall canvass the returns of the election in its  
14 county. The commissioners shall publish the results separately for  
15 each district.

16 (b) If the votes cast in all districts show a majority in  
17 each district voting in favor of the consolidation, the  
18 commissioners court of each county shall declare the school  
19 districts consolidated. (Sec. 19.234.)

20 Source Law

21 Sec. 19.234. CANVASS; RESULT. (a) The  
22 commissioners court of the county (or the commissioners  
23 court of the several counties, if more than one county  
24 is involved) shall at the next meeting thereof, canvass  
25 the returns of the election in each district voting and  
26 publish the results separately for each district.

27 (b) If the votes cast in each and all districts  
28 show a majority in each district voting separately in  
29 favor of the consolidation, the commissioners court (or  
30 the commissioners courts of the several counties, if  
31 more than one county is involved) shall declare the  
32 school districts consolidated. If less than a majority  
33 of the votes cast in any one of the districts is in  
34 favor of the consolidation, then another election  
35 involving the same consolidation proposal may not be  
36 held until at least one year has elapsed since the date  
37 of the election.

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1 the supervision of the new consolidated school  
2 district.  
3 (c) The county governing board of the county  
4 having supervision of the new consolidated school  
5 district shall appoint a board of seven trustees for  
6 the new consolidated school district who shall serve  
7 until the next April election or until their successors  
8 shall qualify.  
9 (d) The new common consolidated school district  
10 shall thereafter be governed and controlled as provided  
11 in Chapter 22 of this code.

12 Revisor's Note

13 This section applies only to Crockett and Val  
14 Verde counties, which contain the only two contiguous  
15 common school districts. Both counties retain county  
16 administration with the county judge serving as ex  
17 officio county superintendent.

18 Revised Law

19 Sec. 19.056. CONSOLIDATION INVOLVING ONLY ONE INDEPENDENT  
20 SCHOOL DISTRICT AND ONE OR MORE COMMON SCHOOL DISTRICTS. (a) If  
21 only one independent school district is consolidated with one or  
22 more common school districts, this section applies.

23 (b) The consolidated district shall bear the name of the  
24 independent school district.

25 (c) Except as provided by Subsection (d) of this section,  
26 the board of trustees of the independent school district shall  
27 serve as the board of trustees of the consolidated district until  
28 the next regular election of trustees, at which time the  
29 consolidated district shall elect a board of seven trustees.

30 (d) If the membership in the independent school district on  
31 the last day of the preceding school year is more than five times  
32 that of the other district or districts consolidating with it, the  
33 trustees of the independent school district shall continue to serve  
34 for the terms for which they have been elected and only the  
35 vacancies, as they occur, shall be filled from the consolidated



1 district.

2 (e) The powers, duties, and terms of office of the trustees  
3 are governed by Chapter 23 of this code. (Secs. 19.236, 19.237.)

4 Source Law

5 Sec. 19.236. CONSOLIDATION INVOLVING INDEPENDENT  
6 SCHOOL DISTRICT. When two or more independent school  
7 districts are consolidated together or when one or more  
8 independent school districts are consolidated with one  
9 or more independent school districts, the consolidated  
10 district shall be classed as an independent school  
11 district and shall be named and governed according to  
12 Section 19.237 or 19.238 of this code, whichever is  
13 applicable.

14 Sec. 19.237. CONSOLIDATION INVOLVING ONLY ONE  
15 INDEPENDENT SCHOOL DISTRICT. (a) If only one  
16 independent school district is consolidated with one or  
17 more common school districts, the provisions of this  
18 section apply.

19 (b) The consolidated district shall bear the  
20 name of the independent school district.

21 (c) The board of trustees of the independent  
22 school district shall serve as the board of trustees of  
23 the consolidated district until the next regular  
24 election of trustees, at which time the consolidated  
25 district shall elect a board of seven trustees, unless  
26 the scholastic population of the independent school  
27 district is in excess of five times that of the other  
28 district or districts consolidating with it, in which  
29 event the trustees of the independent school district  
30 shall continue to serve for the terms for which they  
31 have been elected and only the vacancies, as they  
32 occur, shall be filled from the consolidated district.

33 (d) The powers, duties, and terms of office of  
34 the trustees shall be in accordance with the general  
35 laws governing independent school districts as provided  
36 in Chapter 23 of this code.

37 Revised Law

38 Sec. 19.057. CONSOLIDATION INVOLVING TWO OR MORE INDEPENDENT  
39 SCHOOL DISTRICTS. (a) If two or more independent school districts  
40 are included in the consolidation, this section applies.

41 (b) The consolidated district shall bear the name as  
42 prescribed in the petition for consolidation and the name shall  
43 include "Consolidated Independent School District."

44 (c) Except as provided by Subsection (d) of this section,  
45 the board of trustees of the independent school district having the  
46 greatest membership on the last day of the school year preceding

1 the consolidation shall serve as the board of trustees of the  
2 consolidated district until the next regular election of trustees,  
3 at which time the consolidated district shall elect a board of  
4 seven trustees, at least two of whom shall be elected from the area  
5 of each former independent district included in the consolidation.

6 (d) If the membership on the last day of the school year  
7 preceding the consolidation in the district with the largest  
8 membership is more than five times that of the other district or  
9 districts consolidating with it, the trustees of the district with  
10 the largest membership shall continue to serve for the terms for  
11 which they have been elected and only the vacancies, as they occur,  
12 shall be filled from the consolidated district.

13 (e) The powers, duties, and terms of office of the trustees  
14 are governed by Chapter 23 of this code. (Sec. 19.238.)

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#### Source Law

16 Sec. 19.238. CONSOLIDATION INVOLVING TWO OR MORE  
17 INDEPENDENT SCHOOL DISTRICTS. (a) If two or more  
18 independent school districts are included in the  
19 consolidation, the provisions of this section apply.

20 (b) The consolidated district shall bear the  
21 name as prescribed in the petition for consolidation  
22 and shall include "Consolidated Independent School  
23 District."

24 (c) The board of trustees of the independent  
25 school district having the greater or greatest number  
26 of scholastics at the time of consolidation shall serve  
27 as the board of trustees of the consolidated district  
28 until the next regular election of trustees, at which  
29 time the consolidated district shall elect a board of  
30 seven trustees, at least two of whom shall be elected  
31 from the area of each former independent district  
32 included in the consolidation, unless the scholastic  
33 population of the larger or largest independent school  
34 district is in excess of five times that of the other  
35 district or districts consolidating with it, in which  
36 event the trustees of the larger or largest district  
37 shall continue to serve for the terms for which they  
38 have been elected and only the vacancies, as they  
39 occur, shall be filled from the consolidated district.

40 (d) The powers, duties and terms of office of  
41 the trustees shall be in accordance with the general  
42 laws governing independent school districts as provided  
43 in Chapter 23 of this code.

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Revised Law

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Sec. 19.058. TITLE TO PROPERTY; ASSUMPTION OF DEBT. Title to all property of the consolidating districts vests in the consolidated district, and the consolidated district assumes and is liable for the outstanding indebtedness of the consolidating districts. (Sec. 19.243.)

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Source Law

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Sec. 19.243. ASSUMPTION OF DEBT. (a) If at the time of the proposed consolidation there are outstanding bonds of any district included in the proposed consolidation, an election shall be held to determine whether or not the consolidated district shall assume and pay off the outstanding bonds and levy a tax therefor.

(b) The election may be held after consolidation has been accomplished on the call of the trustees of the consolidated district as authorized in Subchapter O of this chapter.

(c) The election may be held on the same day upon which the election on the question of consolidation is held provided that separate notices, separate ballots, separate ballot boxes, and separate tally sheets are provided for the two separate elections.

(d) If at an election, either on the day of the consolidation election or on some future day, a majority of the voters vote to assume and pay off the bonded indebtedness of the district or districts consolidating, then the bonded indebtedness shall become valid and subsisting obligations of the consolidated district, and the proper officers thereof shall annually thereafter levy sufficient taxes to pay the interest thereon as it accrues and to create a sinking fund which, in addition to the sinking funds already accumulated in the original bonded district, will pay off and retire the outstanding bonds when they become due.

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Revisor's Note

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The revised law conforms the debt assumption provisions to that provided by Sec. 19.004 of this revision.



1 provides that, on dissolution of a consolidated  
2 district, the restored districts are classified as  
3 independent school districts even if the districts were  
4 common school districts prior to consolidation.

5 (2) Section 19.244(c) of the present Chapter 19  
6 is omitted because consolidation elections are covered  
7 by the general time limit of Sec. 19.002 of this  
8 revision.

9 Revisor's Note  
10 (End of Subchapter)

11 (1) The revised law omits Sec. 19.239, Texas  
12 Education Code, because no rural high school district  
13 is contiguous to a common school district; therefore,  
14 no consolidation is possible. The omitted section  
15 reads:

16 Sec. 19.239. CONSOLIDATION OF COMMON  
17 AND RURAL HIGH SCHOOL DISTRICTS. (a) When  
18 one or more common school districts are  
19 consolidated with a rural high school  
20 district, the consolidated district shall,  
21 if there be no bonded indebtedness in any  
22 district involved or if any bonded  
23 indebtedness is adjusted as specified  
24 below, take form of such rural high school  
25 district and be governed by the board of  
26 trustees of the rural high school district  
27 if all parts had originally been included  
28 in the rural high school district.

29 (b) In case of any outstanding  
30 bonded indebtedness in any district  
31 participating in the consolidation, an  
32 election shall be held to determine whether  
33 or not the common school district or  
34 districts or the rural high school district  
35 shall assume its or their pro rata share of  
36 the indebtedness.

37 (c) The consolidation shall not  
38 become effective until after the election  
39 adjusting the bonded indebtedness. In case  
40 the election fails to be carried, the  
41 consolidation shall be held for naught and  
42 such districts shall remain in their  
43 original status.

44 (2) The revised law omits Sec. 19.245, Texas  
45 Education Code, as impliedly repealed by Sec. 19.246  
46 (codified in this revision as Sec. 19.025). Section

1 19.245, enacted in 1947, is a confusing method of  
2 "dissolving" a consolidated county-line school district  
3 that fails to operate a school. Poorly drafted, the  
4 section appears to attempt a method of withdrawing a  
5 school district from a consolidated district (the  
6 subject addressed by the law repealed with the  
7 enactment of Sec. 19.245, V.A.C.S. Art. 2518(b)).  
8 Section 19.246, enacted in 1949 and previously codified  
9 as Sec. 16.80 of the Texas Education Code, requires  
10 that the territory of dormant districts (districts that  
11 fail to operate a school for one year) be annexed to  
12 adjacent districts and specifically applies to  
13 county-line school districts. Any county-line  
14 consolidated school district may be dissolved in the  
15 same manner as other districts under the revised law.

16 The omitted section reads:

17 Sec. 19.245. DISSOLUTION OF  
18 COUNTY-LINE CONSOLIDATED SCHOOL DISTRICTS.

19 (a) A county-line consolidated school  
20 district may be dissolved as provided by  
21 this section whenever the consolidated  
22 school district fails to operate a public  
23 free school.

24 (b) A petition signed by 20 or a  
25 majority of the qualified voters of the  
26 county-line district shall be filed with  
27 the county judge of the county in which  
28 that portion of the district desiring to be  
29 dissolved is situated.

30 (c) Upon the filing of such a  
31 petition, the county judge shall call an  
32 election to be held at some designated  
33 place in the district.

34 (d) If a majority of the votes cast  
35 at the election favor dissolution, the  
36 boundaries of the original districts,  
37 before consolidation, shall be  
38 reapportioned by order of the county judge.  
39 Thereafter, the consolidated county-line  
40 school district shall cease to exist  
41 insofar as it shall relate to that portion  
42 of the district in which the election was  
43 held.

44 (e) Dissolution of the district  
45 under the terms of this section shall not  
46 operate to relieve any one of the original  
47 districts from assuming and bearing its  
48 prorata part of the total indebtedness of  
49 the consolidated county-line school

1 district; and any indebtedness, bonded or  
2 otherwise, shall be borne proportionately  
3 by the original districts comprising the  
4 county-line school district.

5 (3) Sections 19.240, 19.241, and 19.242 of the  
6 present Chapter 19 are omitted from the revised law as  
7 redundant. Each of the consolidations addressed by  
8 those sections is covered by the provisions of the  
9 revised law. The omitted sections read:

10 Sec. 19.240. CONSOLIDATION OF RURAL  
11 AND INDEPENDENT DISTRICTS. When one or  
12 more rural high school districts are  
13 consolidated with one or more independent  
14 school districts, the consolidation  
15 district shall be classed as an independent  
16 school district and shall be named and  
17 governed according to Section 19.241 or  
18 Section 19.242 of this code, whichever is  
19 applicable.

20 Sec. 19.241. ONE INDEPENDENT  
21 DISTRICT. (a) If only one independent  
22 school district is involved in the  
23 consolidation, the provisions of this  
24 section apply.

25 (b) The consolidated district shall  
26 bear the name of the independent school  
27 district.

28 (c) The board of trustees of the  
29 independent school district shall serve as  
30 the board of trustees of the consolidated  
31 district until the next regular election of  
32 trustees, at which time the consolidated  
33 district shall elect a board of seven  
34 trustees, unless the scholastic population  
35 of the independent school district is in  
36 excess of five times that of the other  
37 district or combined districts  
38 consolidating with it, in which event the  
39 trustees of the independent school district  
40 shall continue to serve for the terms for  
41 which they have been elected and only the  
42 vacancies, as they occur, shall be filled  
43 from the consolidated district.

44 (d) The powers, duties, and terms of  
45 office of the trustees shall be in  
46 accordance with the general laws governing  
47 independent school districts as provided in  
48 Chapter 23 of this code.

49 Sec. 19.242. TWO INDEPENDENT  
50 DISTRICTS. (a) If two or more independent  
51 school districts are included in the  
52 consolidation, the provisions of this  
53 section apply.

54 (b) The consolidated district shall  
55 bear the name prescribed in the petitions  
56 for consolidation and shall include  
57 "Consolidated Independent School District."

58 (c) The board of trustees of the  
59 independent school district having the

1 greater or greatest number of scholastics  
2 at the time of consolidation shall serve as  
3 the board of trustees of the consolidated  
4 district until the next regular election of  
5 trustees, at which time the consolidated  
6 district shall elect a board of seven  
7 trustees at least two of whom shall be  
8 elected from the area of each former  
9 independent school district included in the  
10 consolidation, unless the scholastic  
11 population of the larger or largest  
12 independent school district participating  
13 in the consolidation is in excess of five  
14 times that of the other district or  
15 combined districts consolidating with it,  
16 in which event the trustees of the larger  
17 or largest independent school district  
18 shall continue to serve until their terms  
19 expire and only the vacancies, as they  
20 occur, shall be filled from the  
21 consolidated district.

22 (d) The powers, duties, and terms of  
23 office of the trustees shall be in  
24 accordance with the provisions of Chapter  
25 23 of this code.

26 [Sections 19.060-19.080 reserved for expansion]

27 SUBCHAPTER D. CREATION OF COUNTYWIDE INDEPENDENT  
28 SCHOOL DISTRICTS

29 Revised Law

30 Sec. 19.081. ELIGIBILITY. (a) A countywide independent  
31 school district may be created under this subchapter in any county  
32 in which:

33 (1) the total student membership of all districts on  
34 the last day of the school year preceding the filing of the  
35 petition is not more than 2,500; and

36 (2) not more than two school districts, excluding  
37 county-line districts, have operated schools within the two years  
38 preceding the filing of the petition.

39 (b) Any county-line district in the county is excepted from  
40 the proposed countywide district. (Secs. 19.061, 19.062 (part).)



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Source Law

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Sec. 19.061. QUALIFICATIONS. A county-wide independent school district may be created, under the terms of this subchapter, in any county in the state meeting all of the following qualifications:

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(1) The county must have a scholastic population of not more than 2,500.

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(2) Not more than two school districts, either two common school districts or two independent school districts or one common school district and one independent school district, shall have conducted schools within the past two years.

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[Sec. 19.062. The petition must . . .]

(3) provide that in the event a county line district, either common or independent, shall exist in the county, such county line district shall be excepted from the proposed county-wide independent school district and the provisions hereof.

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Revisor's Note

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(1) The revised law states the exception of county-line districts as a substantive requirement rather than a statement in the petition. Requiring it as a petition statement is of little use and leaves the substantive requirement as implied rather than expressed.

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(2) The revised law omits the authority of two common school districts to create a countywide independent school district because no county has two common school districts. Since "school district" includes both common and independent districts, the revised law preserves the authority of a common district to combine with an independent school district for purposes of creating a countywide independent school district.

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Revised Law

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1 signed by either a majority of the members of the board of trustees  
2 of the school districts within the county or by the required number  
3 of voters of each of the school districts within the county.

4 (b) The ballot for the election shall be printed to provide  
5 for voting for or against the proposition: "Creation of a  
6 countywide independent school district." (Sec. 19.062 (part).)

7 Source Law

8 Sec. 19.062. PETITION. Whenever it is desired  
9 that any county meeting the qualifications of Section  
10 19.061 of this code be created into a single  
11 independent school district, there shall be presented  
12 to the county judge a petition which shall:

13 (1) be signed by either a majority of the  
14 members of the board of trustees of the common and/or  
15 independent school districts within the county or by 20  
16 qualified voters or a majority of the qualified voters  
17 of each of the common and/or independent school  
18 districts within the county;

19 (2) state that the purpose is to create an  
20 independent school district embracing the entire  
21 county; and  
22 . . . . .

23 Revised Law

24 Sec. 19.083. ORDER CREATING DISTRICT. If a majority of the  
25 votes are cast in favor of the creation of a countywide independent  
26 school district, the commissioners court shall by order:

27 (1) create the independent school district embracing  
28 the entire county and abolish all school districts participating in  
29 the election; and

30 (2) declare the boundaries of the countywide  
31 independent school district to be coextensive with the boundaries  
32 of the county or, if a county-line school district exists within  
33 the county, define the boundaries of the countywide independent  
34 school district by metes and bounds, excluding the county-line  
35 district. (Sec. 19.065.)

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Source Law

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Sec. 19.065. ORDER CREATING DISTRICT. If it is found that a majority of the legally qualified voters voting in the election favor the creation of a county-wide independent school district, the commissioners court shall pass an order which shall:

(1) create the independent school district embracing the entire county and abolish all common and/or independent school districts participating in the election; and

(2) declare the boundaries of the county-wide independent school district to be co-extensive with the boundaries of the county or, in the event a county line school district exists within the county, define the boundaries of the county-wide independent school district by metes and bounds, excluding the county line district.

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Revised Law

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Sec. 19.084. APPOINTMENT OF INITIAL TRUSTEES. Not later than the 10th day following the day on which results of a favorable election are declared, the county judge shall provide for the organization of the district by appointing one trustee from each of the four commissioner precincts within the county and three trustees from the county at large. (Sec. 19.066.)

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Source Law

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Sec. 19.066. APPOINTMENT OF INITIAL TRUSTEES. (a) The trustees of an independent school district embracing an entire county shall be selected as provided in this section and Section 19.067 of this code.

(b) Immediately following the election at which it was determined to create a county-wide independent school district, the county judge shall provide for the organization of the district within 10 days thereafter by appointing seven trustees as follows: One trustee shall be appointed from each of the four commissioners precincts within the county, and three trustees shall be appointed from the county at large.

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Revised Law

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Sec. 19.085. ELECTION OF TRUSTEES. (a) The county judge shall call the first election of trustees for the first Saturday in April of the year following the election at which the countywide independent school district was created.



1 election are determined.

2 (d) The seven trustees first elected shall  
3 determine by lot which shall serve for a term of one  
4 year and which for a term of two years. Those drawing  
5 numbers 1, 2, and 3 shall serve for a term of one year,  
6 and those drawing numbers 4, 5, 6, and 7 shall serve  
7 for a term of two years.

8 (e) All subsequent elections of trustees shall  
9 be called by the board of trustees in the manner  
10 provided in this code for trustee elections in  
11 independent school districts. The elections shall be  
12 held on the first Saturday in April of each year at  
13 places in each commissioners precinct designated by the  
14 board of trustees. Each year, either three or four  
15 trustees, as the case may be, shall be elected for a  
16 term of two years.

17 Revised Law

18 Sec. 19.086. POWERS. The boards of trustees of independent  
19 school districts established under this subchapter, whether  
20 appointed or elected, have all the powers, rights, duties,  
21 privileges, and qualifications granted in or required by general  
22 law relating to independent school districts. (Sec. 19.068.)

23 Source Law

24 Sec. 19.068. TRUSTEES; POWERS, ETC. (a) The  
25 boards of trustees of independent school districts  
26 established under this subchapter, whether appointed or  
27 elected, shall have all the powers, rights, duties,  
28 privileges, and qualifications granted in or required  
29 by the general provisions of this code relating to  
30 independent school districts.

31 (b) The boards of trustees shall have general  
32 management and control of all schools situated or  
33 established in the districts, including management of  
34 the business affairs of the district and selection of  
35 teachers.

36 (c) The boards of trustees shall have all rights  
37 and powers of taxation as provided for independent  
38 school districts, including assessing property for  
39 taxation, fixing tax rates, and issuing bonds.

40 (d) The boards of trustees shall have any other  
41 rights and powers now held and exercised by boards of  
42 trustees of independent school districts as provided in  
43 Chapter 23 of this code.

44 Revisor's Note

45 The revised law omits Subsecs. (b), (c), and (d)  
46 of the source law because each power or duty addressed  
47 by those subsections is included within the broad

1 provisions of Subsec. (a).

2 Revised Law

3 Sec. 19.087. TITLE TO PROPERTY; ASSUMPTION OF DEBT; TAXES.

4 (a) Title to all property of the component districts vests in the  
5 countywide district, and the countywide district assumes and is  
6 liable for the outstanding indebtedness of the component districts.

7 (b) The maintenance and bond taxes and assessed valuations  
8 in each of the several component districts existing at the time of  
9 the creation of the independent school district embracing the  
10 entire county continue as if authorized for the countywide district  
11 until equalized at an election held for that purpose. (Sec.  
12 19.069.)

13 Source Law

14 Sec. 19.069. TAXES. (a) The maintenance and  
15 bond taxes and assessed valuations in each of the  
16 several component districts existing at the time of the  
17 creation of the independent school district embracing  
18 the entire county shall continue as authorized and  
19 approved until such time as an election shall have been  
20 held equalizing the maintenance tax and assuming the  
21 bonded indebtedness of the several component school  
22 districts making up the county-wide independent school  
23 district.

24 (b) Elections for the levying of taxes,  
25 assumption of debt, and issuance of bonds shall be  
26 called, held, and determined in accordance with the  
27 provisions governing such elections in independent  
28 school districts as provided in Subchapter O of this  
29 chapter or in Chapter 20 of this code.

30 (c) The laws governing the assessing and  
31 collecting of taxes, issuance of bonds (new or  
32 refunding), in independent school districts shall be  
33 applicable to independent school districts created  
34 under this subchapter.

35 Revisor's Note

36 Subsection (b) of the source law is omitted  
37 because its substance is covered by Sec. 19.004 of this  
38 revision. Subsection (c) is omitted as unnecessary.

Revisor's Note  
(End of Subchapter)

(1) Sections 19.063 and 19.064 of the present Chapter 19 are omitted because their substance is covered by Sec. 19.003 of this revision. The omitted sections read:

Sec. 19.063. ELECTION ORDER; NOTICE.  
Upon the presentation of a petition fulfilling the qualifications of Section 19.061 of this code, the county judge shall:

(1) order an election to be held throughout the county on a date not less than 21 days nor more than 30 days after the date of the filing of the petition; and

(2) cause notice of the election to be given by posting a substantial copy of the election order in a public place in each common and/or independent school district in the county not less than 15 days prior to the date fixed for the election.

Sec. 19.064. ELECTION. (a) The election shall be held at the usual voting place or places in each of the several districts in the county and shall be conducted under the general election laws of the state unless otherwise provided herein.

(b) The commissioners court shall at any regular or special session after the election canvass the return of the election and declare the result thereof.

(2) The revised law omits Sec. 19.070 of the present Chapter 19 because it was made unnecessary by the abolition of county administration under Subchapter G, Chapter 17. The omitted section reads:

Sec. 19.070. COUNTY GOVERNING BOARD NOT REQUIRED. No county school trustees or county boards of education shall be required in those counties which create county-wide independent school districts under the terms of this subchapter.

(3) Consistent with the state policy evidenced by Subchapter G, Chapter 17, Texas Education Code, and the trend away from common school districts, the revised law omits all of Subchapter B, Chapter 19, relating to creation of countywide common school

1 districts. Omission of the subchapter will not affect  
2 the operations of any of the three existing countywide  
3 common school districts (Crockett County Consolidated  
4 Common School District in Crockett County, Guthrie  
5 Common School District in King County, and Kenedy  
6 Countywide Common School District in Kenedy County).  
7 Creation of countywide independent school districts is  
8 preserved in this subchapter of the revised law.  
9 Common school districts may be involved in actions  
10 under this subchapter, but the resulting district will  
11 be classified as an independent school district. The  
12 omitted subchapter reads:

13 SUBCHAPTER B. CREATION OF COUNTYWIDE COMMON  
14 SCHOOL DISTRICTS

15 Sec. 19.031. QUALIFICATIONS. A  
16 county-wide common school district may be  
17 created, under the terms of this  
18 subchapter, in any county in the State  
19 meeting all of the following  
20 qualifications:

21 (1) The county must have a  
22 scholastic population of fewer than 600 as  
23 shown by the last scholastic census on file  
24 in the State Department of Education.

25 (2) The county must not  
26 embrace the whole or any part of an  
27 independent school district.

28 (3) There must be no  
29 outstanding indebtedness against any common  
30 school district in the county.

31 (4) The county must have an  
32 assessed property valuation of less than  
33 \$6,000,000.

34 Sec. 19.032. PETITION FOR  
35 ELECTION: ORDER. (a) The county judge,  
36 when petitioned by 50 or a majority of the  
37 legally qualified property taxpaying voters  
38 of any county meeting the qualifications  
39 specified in Section 19.031 of this code,  
40 shall order an election to be held  
41 throughout the county for the purpose of  
42 determining whether a majority of the  
43 legally qualified property taxpaying voters  
44 residing in the county shall favor the  
45 creation of a common school district  
46 embracing the entire county.

47 (b) The petition and order for the  
48 election shall state that the purpose is to  
49 create a common school district embracing  
50 the entire county.

51 (c) The order for the election must  
52 be issued and public notice thereof given,



1 as in other school elections, for not less  
2 than three weeks prior to the date at which  
3 the election is to be held.

4 (d) It shall not be necessary for  
5 either the petition or the order to state  
6 the metes and bounds of the district  
7 proposed to be created.

8 Sec. 19.033. ELECTION. The election  
9 to determine whether to create a common  
10 school district embracing the entire county  
11 shall be held at the usual voting places in  
12 each election precinct in the county and  
13 shall be conducted under the general  
14 election laws of this state.

15 Sec. 19.034. CANVASS: ORDER. (a)  
16 The commissioners court shall, either at a  
17 regular or a special session, canvass the  
18 returns of the election and declare the  
19 results.

20 (b) If it is found that a majority  
21 of the legally qualified property taxpaying  
22 voters, voting at the election, are in  
23 favor of the creation of a common school  
24 district embracing the entire county, the  
25 commissioners court shall enter an order  
26 creating the common school district  
27 embracing the entire county and abolishing  
28 all common school districts existing prior  
29 thereto.

30 (c) It shall not be necessary for  
31 the order creating the district to state  
32 the metes and bounds of the county.

33 Sec. 19.035. ELECTION OF TRUSTEES.  
34 (a) When any common school district  
35 embracing an entire county has been created  
36 as provided in this subchapter, the county  
37 judge shall immediately order an election  
38 for the election of three trustees for the  
39 school district.

40 (b) The county judge shall give  
41 public notice of the election by posting  
42 notices thereof at each voting place in the  
43 county not less than 20 days before the  
44 date at which the election is to be held.

45 (c) The county judge shall appoint  
46 for the election for each precinct in the  
47 county a presiding officer, who shall be  
48 authorized to appoint two clerks to assist  
49 him in the conduct of the election.

50 (d) Any person seeking election as  
51 trustee of the county-wide district shall,  
52 not less than 10 days before the election,  
53 apply in writing to the county judge to  
54 have his name placed on the ballot.

55 (e) The county judge shall order the  
56 preparation of the necessary number of  
57 ballots containing the names of each person  
58 applying as a candidate for trustee.

59 (f) The election shall be held at  
60 the usual voting places in each voting  
61 precinct in the county and shall be  
62 conducted in compliance with the general  
63 laws relating to common school district  
64 elections.

65 (g) The officers holding the

1 election shall make returns thereof to the  
2 county judge within five days after the  
3 election. The commissioners court at its  
4 next regular or special session shall  
5 canvass the returns and declare the results  
6 of the election.

7 Sec. 19.036. STATUS OF DISTRICT.  
8 Any county-wide common school district  
9 created under the terms of this subchapter  
10 shall be governed as other common school  
11 districts as provided in Chapter 22 of this  
12 code and shall have all the rights and  
13 privileges of other common school districts  
14 heretofore created or which may hereafter  
15 be created under the general laws of this  
16 State.

17 [Sections 19.088-19.100 reserved for expansion]

18 SUBCHAPTER E. SEPARATION FROM MUNICIPAL CONTROL

19 Revised Law

20 Sec. 19.101. ELIGIBILITY. Any municipal school district may  
21 be separated from municipal control so that the school corporation  
22 becomes an independent school district, without the dual character  
23 previously possessed by the school corporation and the city or  
24 town. (Sec. 19.166(a).)

25 Source Law

26 Sec. 19.166. SEPARATION FROM MUNICIPAL CONTROL  
27 AND CONVERSION TO INDEPENDENT SCHOOL DISTRICT. (a)  
28 Any municipal school district, established either under  
29 the terms of Section 19.161 of this code or under any  
30 other prior statutory authority, may be separated from  
31 municipal control so that the school corporation shall  
32 become and be an independent school district, without  
33 the dual character theretofore possessed by the school  
34 corporation and the city or town, under the provisions  
35 of this section.

36 Revised Law

37 Sec. 19.102. PETITION. Separation from municipal control is  
38 initiated by a petition signed by 10 percent of the registered  
39 voters of the municipal school district. The petition must be  
40 presented to the board of trustees of the municipal school  
41 district. The board of trustees of the municipal school district

1 shall certify the petition to the governing body of the city or  
2 town. (Sec. 19.166(b).)

3 Source Law

4 (b) A petition signed by 100 or more of the  
5 resident qualified voters of the municipal school  
6 district and/or city or town and praying for an  
7 election on the proposition of whether or not the  
8 public schools shall be divorced from municipal control  
9 shall be presented to the board of trustees of the  
10 municipal school district. The board of trustees of  
11 the municipal school district shall certify the  
12 petition to the governing body of the city or town.

13 Revisor's Note

14 On recommendation of the subcommittee, the  
15 revised law conforms the signature requirement to the  
16 general rule provided by Sec. 19.003 of this revision.

17 Revised Law

18 Sec. 19.103. HEARING. Immediately after receipt of the  
19 petition and certification, the governing body of the city or town  
20 shall fix a date not later than the 10th day after the date of  
21 receipt for the holding of a joint meeting of the governing body of  
22 the city or town and the board of trustees of the municipal school  
23 district. At the joint meeting, the governing body of the city or  
24 town and the board of trustees of the municipal school district,  
25 acting jointly as one body, the mayor or chairman of the governing  
26 body presiding, shall order an election. (Sec. 19.166(c).)

27 Source Law

28 (c) Upon receipt of the petition and  
29 certification, the governing body of the city or town  
30 shall fix a date not more than 10 days thereafter for  
31 the holding of a joint meeting of the governing body of  
32 the city or town and the board of trustees of the  
33 municipal school district. At the joint meeting, the  
34 governing body of the city or town and the board of  
35 trustees of the municipal school district, acting  
36 jointly as one body, the mayor or chairman of the  
37 governing body presiding, shall order an election as  
38 prayed for in the petition.

Revised Law

1  
2           Sec. 19.104. ELECTION.   (a)   The election shall be held on  
3   an authorized election date, as provided by Section 9b, Texas  
4   Election Code (Article 2.01b, Vernon's Texas Election Code),  
5   occurring not later than the 60th day after the day on which the  
6   petition is received. If an authorized date within that period  
7   does not allow sufficient time to comply with other legal  
8   requirements or if there is no authorized date within that period,  
9   the election shall be ordered for the next authorized date. Notice  
10   of the election shall be given in the manner prescribed by Section  
11   19.003 of this code.

12           (b) The ballot shall be printed to provide for voting for or  
13   against the proposition: "The separation of the public schools  
14   from municipal control."

15           (c) Except as provided by this section, the election shall  
16   be conducted as nearly as possible in compliance with the law  
17   governing regular city elections in the town or city.

18           (d) The governing body of the city or town shall immediately  
19   canvass the returns of the election and deliver to the board of  
20   trustees of the municipal school district the certified results of  
21   the election and a certified copy of the record showing all  
22   proceedings relating to the election.

23           (e) If a majority of the votes are cast in favor of the  
24   separation of the public schools from municipal control and if the  
25   board of trustees of the school district finds that the election  
26   has been in all respects lawfully held and the returns duly and  
27   legally made to the governing body of the city or town, the board  
28   of trustees shall by resolution declare that the public schools of  
29   the municipal school district have been separated from municipal  
30   control and that the corporate name of the school district shall  
31   thereafter be "\_\_\_\_\_ Independent School District,"  
32   inserting the name of the city or town. (Secs. 19.166(d),  
33   (f)-(i).)



defeated at the election, then no election for that purpose shall be ordered until after the expiration of one year from the date of the previous election.

(3) The revised law provides for a single ballot proposition in order to conform this section with Art. 6.05(8), Vernon's Texas Election Code, which requires a single ballot proposition.

(4) The revised law conforms the election date to the general rule provided by Sec. 19.003 of this revision.

## Revised Law

Sec. 19.105. STATUS AFTER SEPARATION; PROPERTY AND DEBTS.

(a) The separated school district is an independent school district with all the powers and duties conferred on independent school districts by law.

(b) Title to property of the municipal school district vests in the separated district, and the separated district assumes and is liable for the outstanding indebtedness of the municipal school district. (Secs. 19.166(k)(1), (k)(7), (k)(8).)

## Source Law

(k) The separation of the schools from municipal control shall produce the following results:

(1) The school district shall have all the powers conferred upon independent school districts by the constitution and laws of the state, including the rights to assess, levy, and collect taxes and issue bonds for school purposes.

(7) The title and rights to all property owned, held, set apart or in any way dedicated to the use of the public schools of the city or town, and/or heretofore vested in such city or town and/or the mayor, chairman of the commission, city council, city commission or board of school trustees of the city or town, prior to separation from municipal control, shall be vested in the board of trustees of the independent school district and shall be managed and controlled by the board of trustees as provided in Chapter 23 of this code.

(8) All bonds issued by and outstanding against the city or town, as a school district, and all obligations, contracts and indebtedness existing

1 against the city or town, as a school district, shall  
2 become the obligations and debts of the independent  
3 school district at the time of its separation from  
4 municipal control. The independent school district,  
5 after separation from municipal control, shall be held  
6 to have assumed the discharge of all such obligations,  
7 contracts and indebtedness, and the same shall be  
8 enforceable and collectible from, paid off and  
9 discharged by, the independent school district; and it  
10 shall not be necessary to call an election within and  
11 for such district for the purpose of assuming such  
12 bonds and other indebtedness.

13 Revisor's Note

14 The revised law omits Subsec. (k)(2) of the  
15 source law because it provides the same rule as Sec.  
16 19.006(b) of this revision. The omitted provision  
17 reads:

18 (2) Any and all maintenance  
19 and/or bond taxes previously voted,  
20 authorized, and/or levied on the taxable  
21 properties situated within the limits of  
22 the municipal school district shall be  
23 continued in full force by the independent  
24 school district.

25 Revised Law

26 Sec. 19.106. TRUSTEES. (a) The board of trustees of the  
27 separated school district shall consist of seven members.

28 (b) The members of the board of trustees of the municipal  
29 school district shall continue as members of the board of trustees  
30 of the independent school district until the terms for which they  
31 have been elected or appointed, as the case may be, have expired or  
32 until their successors have been elected and have qualified.

33 (c) If the board of trustees of the municipal school  
34 district consisted of fewer than seven members, those serving shall  
35 appoint a sufficient number of new trustees to bring the total  
36 membership of the board to seven members, the appointees to serve  
37 in accordance with the general law governing the election and  
38 tenure of office of independent school district trustees.

39 (d) At the expiration of the terms of office of the existing  
40 trustees, election of trustees shall be held in compliance with the

1 general law relating to the election of trustees in independent  
2 school districts. (Secs. 19.166(k)(3)-(k)(6).)

3 Source Law

4 (3) The board of trustees of the  
5 independent school district shall consist of seven  
6 members.

7 (4) The members of the board of trustees  
8 of the municipal school district shall continue as  
9 members of the board of trustees of the independent  
10 school district until the terms for which they have  
11 been elected or appointed, as the case may be, shall  
12 have expired or until their successors have been  
13 elected or qualified.

14 (5) In the event the board of trustees of  
15 the municipal school district consisted of fewer than  
16 seven members, those serving shall appoint a sufficient  
17 number of new trustees to bring the total membership of  
18 the board to seven members, the appointees to serve in  
19 accordance with the general law governing the election  
20 and tenure of office of independent school district  
21 trustees.

22 (6) At the expiration of the terms of  
23 office of the existing trustees, election of trustees  
24 shall be held in compliance with the general law  
25 relating to the election of trustees in independent  
26 school districts as provided in Chapter 23 of this  
27 code.

28 Revisor's Note  
29 (End of Subchapter)

30 Of the present Subchapter F, Chapter 19, the  
31 revised law retains only Sec. 19.166, authorizing  
32 separation from municipal control. The subcommittee  
33 views municipal school districts as something of an  
34 anachronism and of little modern purpose. Recent  
35 attempts at creation of a municipal district have shown  
36 that significant erosion of another district's tax base  
37 may result. The ease with which current law authorizes  
38 extension of municipal school district boundaries also  
39 affords opportunity for tax base erosion while serving  
40 few significant other purposes.

41 Omission of the authority to create a municipal  
42 district does not affect the operation of the few  
43 existing municipal districts. To the extent that



1 boundary changes are desirable or necessary, other  
2 provisions of this revision provide for those changes  
3 in the same manner as for other districts.

4 For the same reasons, the revised law omits all  
5 of the present Subchapter J, Chapter 19, relating to  
6 municipal district boundary extensions.

7 The omitted provisions read:

8 SUBCHAPTER F. MUNICIPAL SCHOOL DISTRICTS--CREATION,  
9 BOUNDARY CHANGES, CONVERSION, ETC.

10 Sec. 19.161. CITY MAY ACQUIRE  
11 CONTROL OF SCHOOLS. (a) Any city or town  
12 in this state may acquire the exclusive  
13 control of the public free schools within  
14 its limits by a majority vote of the  
15 property taxpaying voters of the city or  
16 town voting at an election held for that  
17 purpose as herein provided. However, if  
18 the territory to be detached from any  
19 existing district by creation of a  
20 municipal school district exceeds 10  
21 percent of the total area of the existing  
22 district, the proposed detachment must be  
23 approved by a majority vote of the  
24 residents of each district affected.

25 (b) A petition, signed by not less  
26 than 50 of the qualified electors of the  
27 city or town and requesting an election to  
28 determine whether the city or town shall  
29 acquire the exclusive control of the public  
30 free schools within its limits, shall be  
31 presented to the mayor.

32 (c) Upon receipt of the petition,  
33 the mayor shall order an election to be  
34 held at a date within 20 days thereafter.

35 (d) The election shall be conducted  
36 as other municipal elections; and if a  
37 majority of the votes cast favor the  
38 proposition, the city or town shall by  
39 ordinance duly passed and entered of  
40 record, assume control and management of  
41 the public free schools within its limits.  
42 Not more than one election shall be held in  
43 any one calendar year to determine the  
44 question.

45 Sec. 19.162. TRANSFER OF CONTROL  
46 FROM DISTRICT TO CITY. (a) Any  
47 independent school district including  
48 within its limits a city or town  
49 incorporated for municipal purposes under  
50 the laws of this State may transfer the  
51 control and management of the school  
52 district to the incorporated city or town  
53 as prescribed by this section.

54 (b) A petition, signed by as many as  
55 50 or a majority of the resident qualified

1 voters of the independent school district  
2 and requesting an election on the  
3 proposition of whether the public free  
4 schools of the district should be assumed  
5 and controlled by the incorporated city or  
6 town, shall be presented to the board of  
7 trustees of the independent school  
8 district.

9 (c) Upon receipt of the petition,  
10 the board shall order an election to be  
11 held at the usual voting places within the  
12 district at a date within 20 days  
13 thereafter.

14 (d) The election shall be ordered  
15 and held in conformity with the law  
16 governing tax and bond elections in  
17 independent school districts, as provided  
18 in Section 20.04 of this code, except that  
19 the qualified electors need not be property  
20 taxpayers but need only qualify to vote  
21 under the laws of this State regulating  
22 general elections.

23 (e) The ballot for use at the  
24 election shall have printed thereon the  
25 words: "For assuming control of the public  
26 free school of \_\_\_\_\_  
27 Independent School District by the city of  
28 \_\_\_\_\_, Texas," and "Against  
29 assuming control of the public free school  
30 of \_\_\_\_\_ Independent School  
31 District by the city of  
32 \_\_\_\_\_, Texas."

33 (f) If a majority of the qualified  
34 voters voting at the election vote in favor  
35 of the proposition, the board of trustees  
36 of the independent school district shall  
37 certify the results of the election to the  
38 governing authority of the incorporated  
39 city or town, together with a certified  
40 copy of the record showing all the  
41 proceedings had in the incorporation of the  
42 independent school district and all  
43 boundary extensions thereto, if any, and a  
44 well-defined map accurately showing the  
45 territory described in the record.

46 (g) If the governing authority of  
47 the city or town finds that the election  
48 has been in all respects lawfully held and  
49 the returns thereof duly and legally made,  
50 then it shall, by ordinance duly passed and  
51 entered of record, assume control and  
52 management of the public free schools  
53 within its limits and perform such other  
54 duties as may be required of it by this  
55 code.

56 (h) If the boundaries of the  
57 independent school district do not coincide  
58 with the boundaries of the incorporated  
59 city or town, the city governing body shall  
60 on the same day pass an ordinance extending  
61 its corporate line for school purposes only  
62 so that the same shall coincide with and  
63 embrace the same territory as the  
64 independent school district.

65 (i) If the independent school

1 district shall have an outstanding bonded  
2 indebtedness, the incorporated city or town  
3 shall become liable and bound for the  
4 payment of such indebtedness, and the  
5 governing body of the city or town shall  
6 levy and cause to be assessed and  
7 collected, upon all property subject to  
8 taxation within the limits of the  
9 incorporated city or town or within the  
10 limits of the corporation as extended for  
11 school purposes only, taxes to pay interest  
12 on such bonds and to provide a sinking fund  
13 sufficient to redeem the same at maturity.  
14 Such tax shall thereafter be annually  
15 levied and collected so long as the bonds,  
16 or any of them, are outstanding and unpaid.

17 (j) If the independent school  
18 district had previously authorized a  
19 maintenance tax, the assumption of the  
20 control and management of the schools of  
21 the district shall not abrogate or affect  
22 such tax, and the maintenance tax shall  
23 thereafter be annually levied, assessed,  
24 and collected by the proper authorities of  
25 the incorporated city or town until  
26 increased or changed by the qualified  
27 voters in conformity with the provisions  
28 and requirements of Chapter 20 of this  
29 code.

30 (k) The trustees of the independent  
31 school district serving at the time of the  
32 assumption of the control of the schools of  
33 the district by the incorporated city or  
34 town shall continue to serve until the  
35 expiration of their terms of office;  
36 subsequent trustees shall continue to be  
37 elected in compliance with the general law  
38 relative to the election of trustees of  
39 independent school districts as provided in  
40 Chapter 23 of this code.

41 Sec. 19.163. STATUS OF DISTRICT.  
42 Municipal school districts, established  
43 under either Section 19.161 or Section  
44 19.162 of this code shall be classified as  
45 independent school districts and shall  
46 operate and be governed according to the  
47 general laws relative to independent school  
48 districts, as provided in Chapter 23 of  
49 this code, except insofar as such laws are  
50 modified by the specific provisions  
51 relative to municipal school districts as  
52 contained in Chapter 24 of this code.

53 Sec. 19.164. EXTENSION OF  
54 BOUNDARIES. (a) Any city or town which  
55 has assumed control of its schools and  
56 become a municipal school district under  
57 the terms of Section 19.161 of this code or  
58 under prior statutory authority may extend  
59 its corporation lines for school purposes  
60 only under the provisions of this section.

61 (b) A petition signed by a majority  
62 of the resident qualified voters of the  
63 territory seeking to be included in the  
64 municipal school district shall be  
65 presented to the board of trustees of the

1 municipal school district.

2 (c) If the extension of boundaries  
3 is recommended by a majority vote of the  
4 board of trustees of the municipal school  
5 district, the governing body of the city  
6 may, by ordinance and on the conditions  
7 prescribed by this section, extend its  
8 boundaries for school purposes only.

9 (d) The proposed change in  
10 boundaries shall not deprive the scholastic  
11 children of the remaining part of any  
12 common or independent school district which  
13 may be affected by the proposed change of  
14 the opportunity of attending school.

15 (e) The added territory shall bear  
16 its pro rata part according to taxable  
17 values of any obligation owed by the  
18 municipal school district, but shall not  
19 bear any part of any other debt owed or  
20 contracted by the town or city. The  
21 property of the added territory shall bear  
22 its pro rata part of all school taxes but  
23 of no other taxes. The added territory  
24 shall not affect the city's debts or  
25 business relations in any manner whatsoever  
26 except for school purposes.

27 (f) The officers whose duty it is to  
28 assess and collect school taxes within the  
29 city limits shall also assess and collect  
30 school taxes within the territory added for  
31 school purposes only.

32 (g) When hereafter an entire  
33 territory of a contiguous district or  
34 districts is added for school purposes  
35 only, under the provisions of this section,  
36 the extended city control district shall be  
37 regarded as eligible for incentive aid to  
38 the extent and under the conditions  
39 prescribed in Subchapter G, Chapter 23, of  
40 this code.

41 Sec. 19.165. DISANNEXATION OF  
42 TERRITORY. (a) Any territory added to a  
43 municipal school district for school  
44 purposes only and outside the municipal  
45 limits of the city or town may be  
46 disannexed under the terms and conditions  
47 of this section.

48 (b) A petition signed by a majority  
49 of the persons owning property in the  
50 territory proposed to be disannexed shall  
51 be presented to the board of trustees of  
52 the municipal school district.

53 (c) If the board of trustees  
54 consents to the disannexation, the  
55 governing body of the city or town may by  
56 ordinance disannex the territory, in which  
57 event:

58 (1) The governing body of the  
59 city or town shall notify the county school  
60 trustees or county board of education of  
61 the county in which the disannexed  
62 territory is situated by sending to the  
63 commissioners court a copy of the  
64 disannexation ordinance.

65 (2) The liability of the

1 disannexed territory for any obligations of  
2 the municipal school district shall be  
3 adjusted in the manner provided in  
4 Subchapter N of this chapter.

5 (3) The disannexed territory  
6 shall ipso facto immediately become a part  
7 of the adjoining school district other than  
8 that from which it has been disannexed, or  
9 if the disannexed territory adjoins more  
10 than one other district, the disannexed  
11 territory shall become a part of the  
12 adjoining district designated to receive  
13 the territory by the county school trustees  
14 or county board of education.

15 Sec. 19.167. SEPARATION FROM  
16 MUNICIPAL CONTROL AND CONVERSION TO COMMON  
17 SCHOOL DISTRICT. (a) Any municipal school  
18 district, established either under the  
19 terms of Section 19.161 of this code or  
20 under any other prior statutory authority,  
21 may be separated from municipal control and  
22 become a common school district, without  
23 the dual character theretofore possessed by  
24 the school corporation of the city or town,  
25 under the provisions of this section.

26 (b) A petition signed by 100 or more  
27 of the resident qualified voters of the  
28 municipal school district and praying for  
29 an election on the proposition of whether  
30 or not the public schools shall have  
31 divorced from municipal control, shall be  
32 presented to the board of trustees of the  
33 municipal school district. The board of  
34 trustees of the municipal school district  
35 shall certify the petition to the governing  
36 body of the city or town.

37 (c) Upon receipt of the petition and  
38 certification, the governing body of the  
39 city or town shall fix a date not more than  
40 10 days thereafter for the holding of a  
41 joint meeting of the governing body of the  
42 city or town and the board of trustees of  
43 the municipal school district. At the  
44 joint meeting, the governing body of the  
45 city or town and the board of trustees of  
46 the municipal school district, acting  
47 jointly as one body, the mayor or chairman  
48 of the governing body presiding, shall  
49 order an election as prayed for in the  
50 petition.

51 (d) The election shall be held not  
52 more than 30 days nor less than 10 days  
53 thereafter. At least 10 days notice of the  
54 election shall be given.

55 (e) Every person who has attained  
56 the age of 21 years and who has resided  
57 within the limits of the municipal school  
58 district for six months next preceding the  
59 date of election, and who is a qualified  
60 elector under the laws of this State shall  
61 be entitled to vote.

62 (f) The ballots for use at the  
63 election shall have printed thereon the  
64 words: "For the separation of the public

schools from municipal control and converting same into a common school district," and "Against the separation of the public schools from municipal control and converting same into a common school district."

(g) In all respects not specifically covered herein, the election shall be conducted as nearly as possible in compliance with the law with reference to regular city elections in the town or city.

(h) The governing body of the city or town shall immediately canvass the returns of the election and certify the results to the board of trustees of the municipal school district, together with a certified copy of the record showing all proceedings in respect of the election.

(i) If a majority of the qualified voters, voting at the election in the municipal school district, vote in favor of the separation of the public school from municipal control and in favor of creating a common school district therefor and if the board of trustees of the municipal school district finds that the election has been in all respects lawfully held and the returns thereof duly and legally made to the governing body of the city or town, than it shall by resolution duly passed and entered of record, declare that the public schools of the municipal school district have been separated from municipal control, and that the name of the school district shall there be "Common School District," inserting the name of the city or town.

(j) If the proposition shall be defeated at the election, then no election for that purpose shall be ordered until after the expiration of one year from the date of the previous election.

(k) The separation of the schools from municipal control shall produce the following results:

(1) The members of the board of trustees of the municipal school district shall continue to serve as the board of trustees of the common school district until a special election can be held for choosing their successors and until such successors have been duly elected and qualified.

(2) The commissioners court of the county, pursuant to its duties in connection with common school districts, shall order an election for the purpose of naming a board of trustees of the school district as provided in Section 22.00 of this code.

(3) The elected trustees of the common school district shall conduct the affairs of the district as provided in Chapter 22 of this code.

(4) The title and rights to all property owned, held, set apart or in

1 any way dedicated to the use of the public  
2 schools of the city or town, and/or  
3 heretofore vested in the city or town  
4 and/or the mayor, chairman of the  
5 commission, city council, city commission,  
6 or board of school trustees of the city or  
7 town prior to separation shall be vested in  
8 the board of trustees of the common school  
9 district.

10 (5) All bonds issued by and  
11 outstanding against the city or town as a  
12 municipal school district, and all  
13 obligations, contracts, and indebtedness  
14 existing against the city or town as a  
15 municipal school district shall become the  
16 obligations and debts of the school  
17 district at the time of its separation from  
18 municipal control, and the same shall be  
19 enforceable and collectible from, paid off  
20 and discharged by the common school  
21 district as if originally created by it as  
22 a common school district; and it shall not  
23 be necessary to call an election within and  
24 for such district for the purpose of  
25 assuming such bonds and other indebtedness.

26 SUBCHAPTER J. EXTENSION OF MUNICIPAL BOUNDARIES

27 Sec. 19.301. EXTENSION OF MUNICIPAL  
28 BOUNDARIES: COUNTIES OF LESS THAN 165,000.

29 (a) In any county with a total population  
30 of fewer than 165,000 according to the last  
31 preceding federal census, whenever the  
32 limits of any incorporated city or town  
33 constituting an independent school district  
34 are so extended or enlarged as to embrace  
35 the whole or any part of any school  
36 district, independent or common, that  
37 portion so embraced within the corporate  
38 limits of the city or town shall, unless  
39 specifically determined otherwise as  
40 provided in Subsection (c) of this section,  
41 automatically become a part of the  
42 independent school district constituted by  
43 the incorporated city or town.

44 (b) If within a portion of a  
45 district so embraced there should be  
46 situated any real property belonging to the  
47 partially embraced district, the city or  
48 town may acquire the property upon such  
49 terms as may be mutually agreed upon  
50 between the governing body of such city or  
51 town and the authorities of the district.

52 (c) If it is determined by majority  
53 vote of those voting at an election held  
54 within the city or town that the territory  
55 or any portion thereof to be embraced  
56 within the corporate limits shall not  
57 thereby become a part of the independent  
58 school district constituted by the city or  
59 town but shall be taken into the city  
60 limits for municipal purposes only, the  
61 embraced territory shall continue to be  
62 included within the school district or  
63 districts in which it had previously been

1 included as though the city limits had not  
2 been extended.  
3 (d) When the corporate limits of any  
4 city or town are extended to include  
5 therein the whole or any part of any school  
6 district having an outstanding bonded  
7 indebtedness and the extension was not  
8 limited to municipal purposes only, the  
9 city or town shall become liable and bound  
10 for the payment of such proportion of the  
11 bonded indebtedness of the district as the  
12 assessed value of the included portion  
13 bears to the entire assessed value of the  
14 district from which it was taken. The  
15 assessed values of the district so included  
16 shall be those shown upon the last  
17 preceding tax assessment roll after the  
18 district is so included. The incorporated  
19 city or town shall pay either directly or  
20 through the officers of the district the  
21 proportion of the interest and principal of  
22 the bonded indebtedness for which it is  
23 liable.  
24 Sec. 19.302. COUNTIES OF 165,000 OR  
25 MORE. (a) In any county with a total  
26 population of 165,000 or more according to  
27 the last preceding census, whenever the  
28 limits of any incorporated city or town are  
29 extended or enlarged to include additional  
30 territory or whenever any territory is  
31 annexed to any incorporated city or town,  
32 the extension or enlargement of the limits  
33 of the incorporated city or town shall be  
34 for municipal purposes only and shall not  
35 automatically bring about any change in any  
36 existing school district or districts  
37 situated in the annexed area.  
38 (b) After the territory has been  
39 included in or annexed to the incorporated  
40 city or town, the county governing board of  
41 the county or counties in which the  
42 districts are situated may, with the  
43 approval specified in Subsection (c) of  
44 this section, annex the territory to any  
45 contiguous school district as specified in  
46 Section 19.261 of this code.  
47 (c) Any subdivision of or annexation  
48 to any existing school district under the  
49 terms of this section must be approved by a  
50 majority of the school trustees of each  
51 school district affected.  
52 [Sections 19.107-19.120 reserved for expansion]



1           SUBCHAPTER F.   CONVERSION FROM COMMON SCHOOL DISTRICT TO  
2                           INDEPENDENT SCHOOL DISTRICT

3                           Revised Law

4           Sec. 19.121.   ELIGIBILITY.   Any common school district may  
5   incorporate for school purposes in accordance with this chapter and  
6   become an independent school district.   (Sec. 19.201.)

7                           Source Law

8           Sec. 19.201.   QUALIFICATIONS.   Any common school  
9   district may, by the method herein provided, form an  
10   incorporation for free school purposes only and become  
11   an independent school district.

12                          Revised Law

13          Sec. 19.122.   PETITION.   Conversion from a common school  
14   district to an independent school district is initiated by a  
15   petition requesting an election on the question.   The petition  
16   must:

- 17                   (1) describe the common school district; and  
18                   (2) recite the name by which the independent school  
19   district should be known.   (Sec. 19.202.)

20                          Source Law

21          Sec. 19.202.   PETITION.   Whenever it is desired  
22   that any common school district possessing the  
23   qualifications set out in Section 19.201 of this code  
24   become incorporated, there shall be presented to the  
25   county judge a petition which shall:

- 26                   (1) be signed by 20 or a majority of the  
27   resident qualified voters of the common school  
28   district;  
29                   (2) contain a definite description by  
30   metes and bounds of the common school district proposed  
31   to be incorporated;  
32                   (3) recite the name by which the  
33   independent school district should be known;  
34                   (4) pray for an election to determine  
35   whether the common school district shall be  
36   incorporated as an independent school district; and  
37                   (5) pray for the election of seven  
38   trustees.



1 in substance the contents of the election order and the  
2 time and place or places of the election; and  
3 (6) cause the sheriff not less than 10  
4 days prior to the date set for the election to post a  
5 copy of the notice of election in three different  
6 public places within the boundaries of the common  
7 school district as described in the election order.  
8 (b) Whenever the county judge shall enter his  
9 order for an incorporation election, as provided above,  
10 he shall at the same time order an election to be held  
11 for the selection of a board of trustees to consist of  
12 seven members. Notice of the election for trustees  
13 shall be given the same time and in the same manner as  
14 provided for the giving of notice for the incorporation  
15 election. The election of trustees shall be held at  
16 the same time, under the same rules, and by the same  
17 officers as the incorporation election.

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18 Revisor's Note

e

19 (1) The revised law omits the provisions  
20 relating to ordering the election and giving notice  
21 because that is governed by Sec. 19.003 of this  
22 revision.

s

23 (2) The revised law adds the ballot proposition  
24 to conform this section to other provisions of Chapter  
25 19 that provide for elections on propositions. The  
26 statutory proposition ensures consistency throughout  
27 the state in elections conducted for this purpose.

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28 Revised Law

29 Sec. 19.124. INCORPORATION; TRUSTEES; ORGANIZATION. (a) If  
30 a majority of the votes are cast in favor of incorporation of the  
31 district, the county judge shall enter in the minutes of the  
32 commissioners court an order incorporating the school district and  
33 the county clerk shall record a certified copy of the order in the  
34 appropriate county records. The school district is thereafter  
35 incorporated for free school purposes only and is vested with all  
36 the rights, powers, and privileges conferred and imposed by law on  
37 independent school districts.

38 (b) The county judge shall issue a certificate of election  
39 to each of the seven candidates for the office of trustee who

1 received the greatest number of votes cast. On the issuance of the  
2 certificate of election and the taking of the official oath of  
3 office, the trustees are qualified and shall immediately undertake  
4 their duties.

5 (c) The trustees elected at the incorporation election shall  
6 organize as provided in Chapter 23 of this code, but the district  
7 shall conduct a regular trustee election on the first Saturday of  
8 the next April. The trustees elected at the incorporation election  
9 shall serve only until their respective successors have been  
10 elected and qualified.

11 (d) On notice to the commissioner of education, the  
12 independent school district is entitled to receive its share of the  
13 available school fund. No incorporated town or village included  
14 within the boundaries of the independent school district may  
15 thereafter acquire any right to take or assume control of the  
16 public free schools within its limits. (Sec. 19.205.)

17 Source Law

18 Sec. 19.205. INCORPORATION; TRUSTEES;  
19 ORGANIZATION. (a) If a majority vote favors the  
20 incorporation of the district, the county judge shall  
21 enter upon the minutes of the commissioners court an  
22 order incorporating the school district and cause the  
23 county clerk to record a certified copy of the order in  
24 the deed records of the county. The independent school  
25 district shall thereafter be regarded as duly  
26 incorporated for free school purposes only and shall be  
27 vested with all the rights, powers, and privileges  
28 conferred and imposed upon independent school districts  
29 as provided in Chapter 23 of this Code.

30 (b) The county judge shall issue his certificate  
31 of election to each of the seven candidates for the  
32 office of trustee who received the greatest number of  
33 votes cast. Upon the issuance of the certificate of  
34 election and the taking by the trustees of the official  
35 oath of office the trustees shall be deemed to have  
36 qualified and shall immediately enter upon the  
37 discharge of their duties.

38 (c) The trustees elected at the incorporation  
39 election shall organize as provided in Chapter 23 of  
40 this Code but shall hold office only until the first  
41 Saturday in April next succeeding and until their  
42 respective successors have been duly elected and  
43 qualified.

44 (d) Upon notice to the commissioner of  
45 education, the independent school district shall be  
46 entitled to receive the share of the available school

e 1 fund to which the district is entitled. No  
f 2 incorporated town or village included within the  
e 3 boundaries of the independent school district may  
4 thereafter acquire any right to take or assume control  
5 of the public free schools within its limits.

l 6 Revised Law

t 7 Sec. 19.125. TITLE TO PROPERTY; ASSUMPTION OF DEBT. Title  
f 8 to all property of the common school district vests in the  
n 9 independent school district, and the independent school district  
n 10 assumes and is liable for the outstanding indebtedness of the  
11 common school district. (New.)

e 12 Revised Law

e 13 Sec. 19.126. COUNTY-LINE DISTRICTS. If the district to be  
d 14 converted is a county-line district, the petition shall be  
y 15 presented in and the election conducted by the county in which the  
a 16 greatest area of the district lies. All other counties in which  
17 the district lies shall cooperate with the county conducting the  
18 election. (Sec. 19.105.)

19 Source Law

20 Sec. 19.105. CONVERSION OF COUNTY-LINE RURAL  
21 HIGH SCHOOL DISTRICTS INTO INDEPENDENT SCHOOL  
22 DISTRICTS. (a) Any county-line rural high school  
23 district in which there is maintained an accredited  
24 school system of 12 grades, including a high school  
25 offering 16 or more credits, may be converted into an  
26 independent school district as prescribed by this  
27 section.

28 (b) A petition signed by 20 or a majority of the  
29 qualified property taxpaying voters residing in the  
30 district and praying for an election to determine  
31 whether the rural high school district shall be  
32 incorporated for free school purposes only shall be  
33 presented to the county judge of the county in which  
34 the greater or greatest area of the district lies.

35 (c) Upon receipt of the petition, the county  
36 judge shall issue an order calling for an election to  
37 be held throughout the district not less than 20 nor  
38 more than 30 days from the date of filing the petition,  
39 for the purpose of converting the rural high school  
40 district into an independent school district for school  
41 purposes.

42 (d) After the election is held, the  
43 commissioners court of the county in which the greater  
44 or greatest area of the district lies shall canvass the

1 returns and declare the result of the election.

2 (e) If a majority of the votes cast favor the  
3 change from a rural high school district into an  
4 independent school district, the commissioners court  
5 shall:

6 (1) enter its order incorporating the  
7 independent school district; and

8 (2) cause a certified copy of the order to  
9 be recorded by the county clerks in the deed records of  
10 the counties having territory within the district.

11 (f) An independent school district created under  
12 the provisions of this section shall be regarded as  
13 duly incorporated for free school purposes only and  
14 shall be vested with all the rights, powers, and  
15 privileges conferred and imposed upon independent  
16 school districts as provided in Chapter 23 of this  
17 code.

18 (g) Whenever any independent school district is  
19 incorporated under this section, the members of the  
20 board of trustees of the rural high school district  
21 shall maintain their status as trustees of the newly  
22 incorporated independent school district and shall  
23 continue to serve until their respective terms of  
24 office expire.

25 (h) The titles and rights to all property owned,  
26 held, set apart, or in any way dedicated to the use of  
27 the public schools of the elementary school districts  
28 comprising the rural high school district for school  
29 purposes only, shall be vested in the board of trustees  
30 of the independent school district, after incorporated  
31 under this section, and shall be managed and controlled  
32 by the board of trustees, as is now or may hereafter be  
33 provided by law.

34 (i) All bonds issued by and outstanding against  
35 the rural high school district, as a school district,  
36 and all obligations, contracts, and indebtedness  
37 existing against the rural high school district, shall  
38 become the obligations and debts of the independent  
39 school district at the time of its incorporation.

40 Revisor's Note

41 Except in the case of rural high school  
42 districts, the present Chapter 19 does not specifically  
43 address conversion of a county-line common school  
44 district into an independent school district. The only  
45 remaining rural high school district, Blanket Rural  
46 High School District, is a county-line district with  
47 territory located in both Brown and Comanche counties.  
48 Of the remaining common school districts, Doss  
49 Consolidated Common School District in Mason and  
50 Gillespie counties and Three Way Common School District  
51 in Erath and Somervell counties are county-line

1 districts. The revised law adopts the rule of Sec.  
2 19.105 that the election is conducted by the county in  
3 which the greatest area lies and adds the rule that the  
4 adjoining counties shall cooperate to the extent  
5 necessary. The only substantial difference in the  
6 method of conversion between the general provisions of  
7 the revised law and Sec. 19.105 of the present Chapter  
8 19 is when the first election of trustees occurs. The  
9 revised law adopts the general rule of the present  
10 Chapter 19 that the first election of trustees occurs  
11 simultaneously with the conversion election.

12 Section 19.135 of the present Chapter 19, which  
13 is almost identical to Sec. 19.105 but applies only to  
14 rural high school districts located in a single county,  
15 is omitted under the fourth revisor's note following  
16 this subchapter.

17 Revisor's Note  
18 (End of Subchapter)

19 (1) The revised law omits Sec. 19.206, which  
20 provides an alternate method of converting a common  
21 school district with a school of 12 grades into an  
22 independent school district. Prior to 1979, Sec.  
23 19.201 allowed only common districts that met size and  
24 value requirements to convert. With elimination of all  
25 qualifications in 1979, Sec. 19.206 is no longer  
26 necessary as an alternate method for converting into an  
27 independent school district. The only substantial  
28 difference between the general method and that  
29 specified in the omitted section is the time at which  
30 the first board of trustees is elected. The omitted  
31 section reads:

32 Sec. 19.206. CONVERSION OF DISTRICT  
33 WITH 12-GRADE SCHOOL. (a) Any common

1 school district in which there is  
2 maintained an accredited school of 12  
3 grades, including a high school offering 16  
4 or more credits, may become an independent  
5 school district under the terms of this  
6 section.

7 (b) A petition signed by 20 or a  
8 majority of the legally qualified property  
9 taxpaying voters residing in the common  
10 school district and praying for an election  
11 to determine whether the common school  
12 district shall be incorporated shall be  
13 presented to the county judge.

14 (c) Upon receipt of the petition,  
15 the county judge shall issue an order  
16 calling for an election to be held not less  
17 than 20 nor more than 30 days from the date  
18 of the filing of the petition for the  
19 purpose of determining whether the common  
20 school district shall be converted into an  
21 independent school district.

22 (d) After the election is held, the  
23 commissioners court shall canvass the  
24 returns thereof as in other similar  
25 elections and declare the results thereof.  
26 If the majority of the votes cast favor the  
27 change from common school district to  
28 independent school district, the county  
29 school trustees or county board of  
30 education, as the case may be, shall:

31 (1) pass such order or orders  
32 as may be necessary creating the  
33 independent school district; and

34 (2) appoint a board of seven  
35 members, all of whom shall possess the  
36 qualifications of school trustees and all  
37 of whom shall serve until the next regular  
38 trustee election under the laws of this  
39 state, at which time seven members shall be  
40 elected.

41 (2) The revised law omits Sec. 19.204 of the  
42 present Chapter 19 because the election is governed by  
43 Sec. 19.003 of this revision. The omitted section  
44 reads:

45 Sec. 19.204. ELECTION. The election  
46 shall be held under the provisions of the  
47 laws of this State regulating general  
48 elections except as otherwise provided  
49 herein. Only qualified voters who are  
50 residents of the common school district  
51 proposed to be incorporated shall be  
52 entitled to vote. The officers holding the  
53 election shall make returns of the results  
54 thereof to the county judge. The county  
55 judge shall canvass the returns and declare  
56 the results of the election.

57 (3) The revised law omits Sec. 19.207 of the  
58 present Chapter 19 as an unnecessary statement of what



1 the law is without that section. The omitted section  
2 reads:

3 Sec. 19.207. LAW GOVERNING DISTRICT.  
4 Any independent school district established  
5 in compliance with this subchapter shall be  
6 governed and controlled as provided in  
7 Chapter 23 of this code.

8 (4) The revised law omits Subchapter E of the  
9 present Chapter 19, which relates to creation,  
10 conversion, and abolition of rural high school  
11 districts. Blanket Rural High School District in Brown  
12 and Comanche counties is the sole remaining rural high  
13 school district and none will be created in the future.  
14 Conversion of that rural high school district to an  
15 independent school district is provided for by  
16 Subchapter D of this revision, and abolition of the  
17 district is provided for by Subchapter G.

18 The omitted subchapter reads:

19 SUBCHAPTER E. RURAL HIGH SCHOOL  
20 DISTRICTS--CREATION, CONVERSION, ETC.

21 Sec. 19.131. ESTABLISHMENT OF RURAL  
22 HIGH SCHOOL DISTRICTS. The county school  
23 trustees or county board of education, as  
24 the case may be, in each county in this  
25 state shall have the authority to form one  
26 or more rural high school districts by  
27 grouping contiguous common school districts  
28 having fewer than 400 scholastic population  
29 and independent school districts having  
30 fewer than 250 scholastic population.

31 Sec. 19.132. LIMITATIONS. No rural  
32 high school district shall contain a  
33 greater area than 100 square miles or more  
34 than 10 elementary school districts, except  
35 that:

36 (1) The county school trustees  
37 or county board of education may create a  
38 rural high school district containing more  
39 than 100 square miles when so authorized by  
40 the vote of a majority of the qualified  
41 electors in the proposed rural high school  
42 district voting at an election called for  
43 that purpose.

44 (2) The county school trustees  
45 or county board of education may create a  
46 rural high school district containing more  
47 than 10 elementary districts when so  
48 authorized by the vote of a majority of the  
49 qualified electors of each elementary  
50 district in the proposed rural high school

1 district voting at an election called for  
2 that purpose.

3 Sec. 19.133. STATUS. A rural high  
4 school district shall be classified as a  
5 common school district, and all other  
6 districts, whether common or independent,  
7 composing the rural high school district  
8 shall be referred to as elementary school  
9 districts.

10 Sec. 19.134. TRANSFER OF CONTROL.  
11 The board of trustees of each elementary  
12 school districts grouped or included to  
13 form a rural high school district, as  
14 hereinabove provided, shall continue in  
15 control of its respective district until  
16 the close of the current scholastic year,  
17 but it shall make no contract affecting the  
18 expenditure of any school funds subsequent  
19 to September 1 nor shall it have any  
20 authority in the management and control of  
21 the schools of the district after September  
22 1. The board of trustees for the rural  
23 high school district shall, immediately  
24 upon its organization, proceed to make  
25 contracts for the operation of all schools  
26 under its control.

27 Sec. 19.135. CONVERSION OF RURAL  
28 HIGH SCHOOL DISTRICT INTO INDEPENDENT  
29 SCHOOL DISTRICT. (a) A rural high school  
30 district in which there is maintained an  
31 accredited school system of 12 grades,  
32 including a high school offering 16 or more  
33 credits, may be converted into an  
34 independent school district as prescribed  
35 by this section.

36 (b) A petition signed by 20 or a  
37 majority of the qualified property  
38 taxpaying voters residing in the district  
39 and praying for an election to determine  
40 whether the rural high school district  
41 shall be incorporated for free school  
42 purposes only shall be presented to the  
43 county judge.

44 (c) Upon receipt of the petition,  
45 the county judge shall issue an order  
46 calling for an election to be held not less  
47 than 20 nor more than 30 days from the date  
48 of filing the petition, for the purpose of  
49 converting the rural high school district  
50 into an independent school district for  
51 school purposes.

52 (d) After the election is held, the  
53 commissioners court shall canvass the  
54 returns and declare the result of the  
55 election.

56 (e) If a majority of the votes cast  
57 favor the change from a rural high school  
58 district into an independent school  
59 district, the commissioners court shall:

60 (1) enter its order  
61 incorporating the independent school  
62 district; and

63 (2) cause a certified copy of  
64 the order to be recorded by the county  
65 clerk in the deed records of the county.

1 (f) An independent school district  
2 created under this section shall be  
3 regarded as duly incorporated for free  
4 school purposes only and shall be vested  
5 with all the rights, powers, and privileges  
6 conferred and imposed upon independent  
7 school districts as provided in Chapter 23  
8 of this code.

9 (g) When any independent school  
10 district is incorporated under the terms of  
11 this section, the members of the board of  
12 trustees of the rural high school district  
13 shall maintain their status as trustees of  
14 the newly incorporated independent school  
15 district and shall continue to serve until  
16 their respective terms of office expire.

17 (h) The titles and rights to all  
18 property owned, held, set apart, or in any  
19 way dedicated to the use of the public  
20 schools of the elementary school districts  
21 comprising the rural high school district  
22 for school purposes only, shall, after  
23 incorporating under this section, be vested  
24 in the board of trustees of the independent  
25 school district, and shall be managed and  
26 controlled by the board of trustees as is  
27 now or may hereafter be provided by law.

28 (i) All bonds issued by and  
29 outstanding against the rural high school  
30 district, as a school district, and all  
31 obligations, contracts, and indebtedness  
32 existing against the rural high school  
33 district, shall become the obligations and  
34 debts of the independent school district at  
35 the time of its incorporation.

36 Sec. 19.136. ABOLITION OF RURAL HIGH  
37 SCHOOL DISTRICT. (a) The county school  
38 trustees or county board of education, as  
39 the case may be, shall have the authority  
40 to abolish a rural high school district on  
41 a petition signed by a majority of the  
42 voters of each elementary school district  
43 composing the rural high school district.

44 (b) When a rural high school  
45 district has been abolished, each district  
46 of which it was composed shall revert back  
47 to its original status with the exception  
48 that, in the event there is any outstanding  
49 indebtedness against the rural high school  
50 district, each component district shall  
51 assume its proportional part of the debts,  
52 bonded or otherwise.

53 [Sections 19.127-19.150 reserved for expansion]

1           SUBCHAPTER G.   ABOLITION OF INDEPENDENT SCHOOL DISTRICT

2                           Revised Law

3           Sec. 19.151.   ELIGIBILITY.   Any independent school district  
4   may be abolished in the manner provided by this subchapter.   (Sec.  
5   19.361.)

6                           Source Law

7           Sec. 19.361.   ABOLITION OF INDEPENDENT SCHOOL  
8   DISTRICTS.   Subject to the limitation on elections in  
9   Section 19.365 of this code, any independent school  
10   district incorporated for free school purposes under  
11   the laws of Texas may be abolished in the manner  
12   provided by this subchapter.

13                          Revised Law

14          Sec. 19.152.   PETITION.   Abolition of an independent school  
15   district is initiated by a petition requesting an election on the  
16   question.   The petition must be presented to the county judge of  
17   each county in which part of the independent school district is  
18   situated.   (Sec. 19.362.)

19                          Source Law

20          Sec. 19.362.   PETITION.   A petition requesting  
21   the abolition of the district and signed by at least 10  
22   percent of the qualified voters residing in the  
23   district shall be presented to the county judge of the  
24   county in which the independent school district or a  
25   part thereof is situated.

26                          Revisor's Note

27          (1) The revised law provides for a method of  
28   abolishing a county-line independent school district.  
29   The existing law implies that a county-line district  
30   may be abolished in accordance with its provisions, but  
31   does not expressly address the manner in which  
32   abolition occurs.   The revised law adopts a manner  
33   similar to that in which county-line consolidated

1 districts are created or abolished.

2 (2) The number of signatures required is  
3 governed by Sec. 19.003 of this revision.

4 Revised Law

5 Sec. 19.153. ELECTION. (a) Each county judge receiving a  
6 valid petition shall:

7 (1) issue an order for an election to be held on the  
8 same day in each county; and

9 (2) give notice of the election.

10 (b) The ballot in the election shall be printed to provide  
11 for voting for or against the proposition: "Abolition of the  
12 \_\_\_\_\_ Independent School District." (Sec. 19.363.)

13 Source Law

14 Sec. 19.363. ELECTION. (a) Upon the receipt of  
15 such a petition, the county judge shall:

16 (1) issue an order designating the time  
17 and place within the school district and within the  
18 county of his court at which there shall be held an  
19 election to determine whether the independent school  
20 district shall be abolished;

21 (2) appoint to preside at the election an  
22 officer who shall select two judges and two clerks to  
23 assist in holding the election; and

24 (3) cause notice of the election to be  
25 given by posting advertisement for at least ten days  
26 prior to the date of the election at three public  
27 places within the independent school district.

28 (b) Except as herein provided, the election  
29 shall be held in the manner prescribed by law for  
30 holding general elections.

31 (c) All persons who are legally qualified voters  
32 of the state and of the county in which the independent  
33 school district or part thereof is situated and who  
34 have resided within the independent school district for  
35 at least six months next preceding shall be entitled to  
36 vote.

37 (d) The officers holding the election shall make  
38 return thereof to the county judge within 10 days after  
39 the election is held.

40 Revisor's Note

41 (1) Most of the substance of Sec. 19.363 of the  
42 present Chapter 19 is covered by Sec. 19.003 of this

1 revision.

2 (2) The revised law adds the ballot proposition  
3 so that this subchapter is consistent with those  
4 subchapters that provide a ballot proposition. The  
5 statutory proposition ensures that elections of this  
6 type are consistent throughout the state.

7 Revised Law

8 Sec. 19.154. ORDER ABOLISHING DISTRICT. (a) The  
9 commissioners court of each county shall canvass the returns of the  
10 election in its county.

11 (b) If a majority of the total votes cast in the district  
12 favor abolishing the district, each commissioners court shall  
13 declare the results. The abolition is effective only if all  
14 territory of the district is annexed to other contiguous districts.  
15 (Sec. 19.364.)

16 Source Law

17 Sec. 19.364. ORDER ABOLISHING DISTRICT. If a  
18 majority of the voters, voting at the election, shall  
19 vote to abolish the independent school district, the  
20 county judge shall declare the independent school  
21 district abolished and enter an order to that effect  
22 upon the minutes of the commissioners court and from  
23 the date of such order, the independent school district  
24 shall cease to exist.

25 Revisor's Note

26 The revised law provides for declaration of the  
27 election results rather than an order abolishing the  
28 district because Sec. 19.155 requires that the  
29 abolition is effective only if the territory of the  
30 abolished district is annexed to contiguous districts  
31 that agree to the annexation. In addition, Sec. 19.005  
32 of this revision provides an effective date of July 1  
33 for most purposes.

Revised Law

Sec. 19.155. DISPOSITION OF TERRITORY, ETC. (a) The property and affairs of the abolished district are governed by this section unless otherwise controlled by the manner in which the district was abolished.

(b) Each county commissioners court shall annex the territory of the abolished independent school district in its county to one or more contiguous districts in the county. The commissioners court may annex territory to a school district only if the board of trustees of that district approves the annexation.

(c) Title to the real property of the abolished district vests in the district to which the property is annexed.

(d) If at the time of its abolishment the independent school district had no outstanding indebtedness, all uncollected taxes on the property of the district for the years up to and including the last day of January of the year immediately following that in which the independent school district is abolished shall be levied and collected, at the same rate and in the same manner as authorized for the independent school district immediately prior to its abolishment, by the school district or districts to which the territory containing the property on which taxes are due has been annexed.

(e) Each school district to which territory from the abolished district is annexed assumes and is liable for the indebtedness of the abolished district that is allocated to the district under Section 19.004 of this code.

(f) Any creditor of an abolished independent school district must file his claim against the district with the county commissioners court within 60 days after the independent school district has been abolished and, if the claim is not allowed, may maintain suit against the abolished independent school district as such. Suit must be brought not later than one year after the date on which the claim is disallowed. Service in a suit, if necessary,

1 may be had on the county judge of each county in which the district  
2 was located. The county commissioners court shall defend any suit  
3 against an abolished independent school district but may settle the  
4 litigation as it considers advisable. This section does not waive  
5 any defense available to the abolished district. (Secs. 19.366,  
6 19.368.)

7

Source Law

8 Sec. 19.366. DISPOSITION OF TERRITORY. All of  
9 the territory of an abolished independent school  
10 district must be created into a common school district  
11 or be annexed to or included within some other  
12 contiguous district or districts, and its property and  
13 affairs, unless otherwise controlled by the manner in  
14 which the district was abolished, shall be regulated as  
15 herein provided.

16 Sec. 19.368. TERRITORY FORMERLY SINGLE DISTRICT  
17 OR PARTS OF SEVERAL DISTRICTS. (a) Upon the  
18 abolishment of an independent school district created  
19 out of territory formerly comprising a single common  
20 school district and/or consisting of parts of several  
21 districts and/or districts annexed thereto, the county  
22 governing board shall contain or embrace the territory  
23 of the abolished independent school district into a  
24 newly created common school district or shall annex the  
25 territory to one or more contiguous districts.

26 (b) When all the territory embraced within the  
27 abolished independent school district is created into a  
28 common school district or is annexed to or included  
29 within the limits of one other district, title to all  
30 property, both real and personal, belonging to the  
31 abolished independent school districts shall be vested  
32 in the other school district or its governing officers.

33 (c) When the territory of the abolished  
34 independent school district is subdivided and annexed  
35 to two or more other school districts, all real  
36 property, improvements, and appurtenances belonging to  
37 the abolished independent school district shall become  
38 the property of the districts to which these properties  
39 are annexed, and all personal property shall be divided  
40 between the receiving districts in proportion to the  
41 assessed property value of the part of the abolished  
42 independent school district so annexed.

43 (d) When at the time of its abolishment the  
44 independent school district had no outstanding  
45 indebtedness, all uncollected taxes on the property of  
46 the district for the years up to and including the last  
47 day of January of the year immediately following that  
48 in which the independent school district is abolished  
49 shall be levied and collected, at the same rate and in  
50 the same manner as authorized for the independent  
51 school district immediately prior to its abolishment,  
52 by the school district or districts to which the  
53 territory containing the property upon which taxes are  
54 due has been annexed.

55 (e) When at the time of its abolishment the



1 independent school district had outstanding bonds or  
2 other indebtedness, enforceable either at law or in  
3 equity, the school district or districts to which the  
4 territory of the abolished independent school district  
5 has been annexed may, at an election held for that  
6 purpose, assume such bonds or other indebtedness. The  
7 election shall be held in the manner provided for  
8 holding an election for voting bonds or for voting a  
9 special tax, as the case may be, within the receiving  
10 school district as provided in Chapter 20 of this code.  
11 If a majority of the qualified property tax paying  
12 voters within the receiving district vote in favor of  
13 assuming the indebtedness, all property within the  
14 receiving district, not exempt under the general law,  
15 shall be subject to taxation for the payment of the  
16 bonds or other indebtedness of the abolished  
17 independent school district, and the proper officers of  
18 the receiving district shall levy upon the property of  
19 the district a tax adequate for the payment of the  
20 bonds or other indebtedness over such a period of time  
21 as may be necessary for that purpose.

22 (f) In the event the qualified taxpaying voters  
23 of the receiving district or districts do not by  
24 majority vote assume the outstanding bonds and other  
25 indebtedness of the abolished independent school  
26 district, all taxes against the property of the  
27 abolished independent school district shall remain in  
28 full force and effect and shall be levied and collected  
29 by the proper officers of the district or districts to  
30 which the territory of the abolished independent school  
31 district has been annexed until the entire indebtedness  
32 is fully paid.

33 (g) In the event the qualified taxpaying voters  
34 of the receiving district or districts do not by  
35 majority vote assume the outstanding bonds and other  
36 indebtedness of the abolished independent school  
37 district, the county school trustees or county board of  
38 education, as the case may be, shall manage, control or  
39 dispose of all property within the county belonging to  
40 the abolished independent school district. The county  
41 governing board shall have the power to do any and all  
42 things necessary for the payment of such bonds or other  
43 indebtedness which the independent school district, or  
44 the trustees thereof, could have done had the  
45 independent school district not been abolished. The  
46 county governing board shall also have the power to  
47 levy and collect taxes, and the power to bring and  
48 defend litigation in the name of the independent school  
49 district.

50 (h) Any creditor of an abolished independent  
51 school district shall file his claim against the  
52 district with the county school trustees or county  
53 board of education, as the case may be, within 60 days  
54 after the independent school district has been  
55 abolished and, if the claim is not allowed, may  
56 maintain suit against the abolished independent school  
57 district as such. Service in a suit, if necessary, may  
58 be had upon the chief officer of the county governing  
59 board. The county governing board shall defend any  
60 suit against an abolished independent school but may,  
61 in its discretion, make such settlement of the  
62 litigation as may be deemed advisable.

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Revisor's Note

The revised law differs from the source law in several ways recommended by the advisory committee. The revised law requires that the abolition take effect only if all of the territory of the abolished district is annexed to contiguous districts that agree to the annexation. The purpose of the requirement is to prevent districts from accomplishing by abolition what could not be accomplished through other methods of detachment and annexation. The revised law also adds a one-year statute of limitations for creditors' claims against the abolished district, and clearly provides that the authority to sue on those claims is not a waiver of any defense that the district is entitled to claim.

Revisor's Note  
(End of Subchapter)

(1) The revised law omits Sec. 19.365 of the present Chapter 19 because a uniform time limitation is provided by Sec. 19.002 of this revision. The omitted section reads:

Sec. 19.365. LIMITATION ON ELECTIONS. Within any 12-month period not more than one election shall be held on either:

- (1) the question of abolishing an independent school district; or
- (2) the question of creating an independent school district out of territory formerly comprising an independent district which has been abolished within the preceding 12 months.

(2) The revised law omits Sec. 19.367 of the present Chapter 19 in order to avoid creation of common school districts. The disposition of territory following abolition of any independent school district, regardless of the classification of its component

1 districts, is governed by Sec. 19.155 of the revision.

2 The omitted section reads:

3 Sec. 19.367. TERRITORY FORMERLY TWO  
4 OR MORE COMMON SCHOOL DISTRICTS. (a) Upon  
5 the abolishment of an independent school  
6 district heretofore created by local or  
7 special law out of territory theretofore  
8 containing two or more common school  
9 districts, the common school districts  
10 shall immediately come into existence by  
11 operation of law with the same boundaries  
12 they had prior to the creation of the  
13 independent school district.

14 (b) All funds, property, rights, and  
15 liabilities of the abolished independent  
16 school district may be divided between the  
17 common school districts by agreement of the  
18 trustees of the common school districts.

19 (c) In the event the district  
20 trustees are unable to agree, the county  
21 governing board shall apportion the funds,  
22 property, rights, and liabilities of the  
23 abolished independent district between the  
24 common school districts in an equitable and  
25 just manner, taking into consideration the  
26 property owned and the assets and  
27 liabilities of each common school district  
28 at the time of the creation of the  
29 independent district as well as the assets  
30 and liabilities coming into existence after  
31 the formation of the independent district.

32 (d) Any bonds issued by one of the  
33 common school districts prior to the  
34 creation of the independent school district  
35 shall be paid and retired by the common  
36 school district issuing the same. Taxes  
37 for the payment of the bonded indebtedness  
38 shall be levied and collected in the same  
39 manner as other taxes voted by a common  
40 school district. Any amounts paid of the  
41 abolished independent school district in  
42 connection with such bond issue shall be  
43 paid back by the common school district  
44 issuing the bonds to such an extent as will  
45 be necessary to reimburse the other common  
46 school district or districts for its or  
47 their proportionate part of the payment.

48 (e) Any debt incurred by the  
49 abolished independent school district, the  
50 benefits of which will accrue particularly  
51 to one of the common school districts,  
52 shall be taken over by that common school  
53 district.

54 (f) High school children in a common  
55 school district within the territory of the  
56 abolished independent school district shall  
57 have the right to attend, without tuition,  
58 any other common school district within the  
59 territory formerly composing the  
60 independent school district provided the  
61 common school district so chosen does not  
62 have a scholastic population of more than  
63 350.

1 [Sections 19.156-19.170 reserved for expansion]

2 SUBCHAPTER H. ABOLITION OF COMMON SCHOOL DISTRICT

3 Revised Law

4 Sec. 19.171. AUTHORITY OF COMMISSIONERS COURT. (a) The  
5 commissioners court may abolish and annex any common school  
6 district located entirely within its county if a formal application  
7 or request is submitted by the trustees of the common school  
8 district. The application or request does not affect the authority  
9 of the commissioners court to determine if the common school  
10 district should be abolished and annexed.

11 (b) The commissioners court shall annex the territory of the  
12 abolished district to one or more contiguous independent school  
13 districts located entirely within its county, in such manner as may  
14 be determined by order of the commissioners court. (Sec. 19.401.)

15 Source Law

16 Sec. 19.401. AUTHORITY OF COUNTY GOVERNING  
17 BOARD. (a) The county school trustees or county board  
18 of education, as the case may be, may abolish and annex  
19 or subdivide any common school district located  
20 entirely within its county, provided that a formal  
21 application or request is submitted by the trustees of  
22 the common school district. Said application or  
23 request shall not affect the authority of the county  
24 school trustees or county board of education, as the  
25 case may be, to determine if the common school district  
26 should be abolished, annexed or subdivided.

27 (b) The territory of the district so abolished  
28 shall be annexed to a single contiguous independent  
29 school district, or subdivided and annexed to one or  
30 more contiguous independent school districts located  
31 entirely within its county, in such manner as may be  
32 determined by order of the county governing board.

33 Revised Law

34 Sec. 19.172. TITLE TO PROPERTY; ASSUMPTION OF DEBT. (a)  
35 Title to the real property of the abolished school district vests  
36 in the district to which the property is annexed.

37 (b) Each district to which territory of the abolished school

1 district is annexed assumes and is liable for any portion of the  
2 abolished district's indebtedness that is allocated to the  
3 receiving district under Section 19.004 of this code. (Sec.  
4 19.402.)

5 Source Law

6 Sec. 19.402. ADJUSTMENT OF BONDED DEBT. The  
7 county governing board shall also, at the time of  
8 abolishing or subdividing a common school district,  
9 make an adjustment of outstanding bonded indebtedness,  
10 if there be such, and provide for an equitable  
11 distribution of all district properties as specified in  
12 Subchapter N of this chapter.

13 Revisor's Note

14 Adjustment of bonded indebtedness is governed by  
15 Sec. 19.004 of this revision.

16 Revisor's Note  
17 (End of Subchapter)

18 The revised law omits Sec. 19.403 of the present  
19 Chapter 19 in order to conform appeal of the  
20 commissioners court action under this subchapter to  
21 appeals under the other provisions of this chapter.  
22 The general rule is that the appeal must first go to  
23 the commissioner of education under Sec. 11.13, Texas  
24 Education Code. The omitted section reads:

25 Sec. 19.403. APPEAL. Any trustee or  
26 any resident of a district or territory  
27 affected by the action of the county  
28 governing board, as authorized by this  
29 subchapter, may appeal from the decision of  
30 the county governing board to the district  
31 court of the county in which the governing  
32 board acts.

33 Revisor's Note  
34 (End of Chapter)

35 The revised law omits Subchapter D of the present  
36 Chapter 19. Sections 19.101-19.104 relate to the

1 creation of county-line common school districts and  
2 county-line rural high school districts. Current state  
3 policy, as evidenced by Subchapter G, Chapter 17, does  
4 not favor the creation of common school districts.  
5 Section 19.106 relates to creation of a county-line  
6 independent school district but is probably not  
7 operative because it appears to involve incorporation  
8 of the district out of territory not included in other  
9 districts. (The cross-reference to incorporation of  
10 towns and villages refers to Chapter 11, Title 28,  
11 Revised Statutes, under which only unincorporated  
12 territory may be incorporated.) Under the provisions  
13 of Sec. 19.247 of the present Chapter 19 (Sec. 19.026  
14 of this revision), all territory in the state is within  
15 the limits of a school district. The omitted  
16 provisions read:

17 SUBCHAPTER D. COUNTY-LINE DISTRICTS

18 Sec. 19.101. CREATION OF COUNTY-LINE  
19 COMMON SCHOOL DISTRICTS. (a) The county  
20 school trustees and/or county boards of  
21 education of two or more adjoining counties  
22 shall have the authority, in compliance  
23 with the provisions of this section, to  
24 create common school districts to contain  
25 territory in two or more counties.

26 (b) No county-line common school  
27 district shall be created with or changed  
28 to an area less than nine square miles.

29 (c) Each county-line common school  
30 district shall be laid out in as near the  
31 shape of a square as possible, and in no  
32 event shall the length of the district be  
33 greater than one and one-half times its  
34 width.

35 (d) The county governing board of  
36 each county having territory included in  
37 the proposed district shall pass an order  
38 which shall:

39 (1) describe by metes and  
40 bounds the territory to be included in the  
41 district;

42 (2) give the course and  
43 direction with the exact length of each  
44 line contained in the description and  
45 locate each corner called for upon the  
46 ground;

47 (3) give the acres of each  
48 survey and parts of surveys of lands

1 included in the district;

2 (4) include a map showing the  
3 conditions upon the ground as described in  
4 the field notes and giving the number of  
5 acres of land contained in each survey and  
6 parts of surveys contained in each county;

7 (5) show the exact position  
8 and location of the county line in the  
9 territory proposed to be created into a  
10 county-line district; and

11 (6) designate and name one of  
12 the counties having territory included in  
13 the description of the proposed district  
14 which shall manage and have control of the  
15 public schools of the county-line district  
16 for all school purposes.

17 (e) The proposed district shall be  
18 deemed created and established when the  
19 order described in Subsection (d) of this  
20 section has been passed by the county  
21 governing board of each county having  
22 territory included therein.

23 Sec. 19.102. COUNTY-LINE RURAL HIGH  
24 SCHOOL DISTRICTS. (a) The county school  
25 trustees and/or county boards of education  
26 of two or more adjoining counties shall  
27 have the authority, upon the written order  
28 of a majority of the members of the  
29 governing board of each county concerned,  
30 to establish county-line rural high school  
31 districts. The order shall designate the  
32 county which shall have supervision of the  
33 county-line rural high school district.

34 (b) A county-line rural high school  
35 district, so established, shall be governed  
36 in all respects as other rural high school  
37 districts as provided in Chapter 25 of this  
38 code.

39 Sec. 19.103. JOINT MAINTENANCE. The  
40 county governing boards of each county  
41 having territory included within a  
42 county-line district shall have power to  
43 provide jointly for the maintenance of the  
44 county-line school.

45 Sec. 19.104. VOTER QUALIFICATIONS.  
46 All persons who are otherwise qualified to  
47 vote in an election involving a school  
48 district question and who reside in a  
49 county line school district shall be  
50 entitled to vote at any such election  
51 involving the school district regardless of  
52 whether or not such voters reside in the  
53 county having management and control of the  
54 county line district.

55 Sec. 19.105. [See Sec. 19.126 of  
56 this revision.]

57 Sec. 19.106. CREATION OF COUNTY-LINE  
58 INDEPENDENT SCHOOL DISTRICTS. (a)  
59 Independent school districts may be created  
60 containing territory within two or more  
61 counties by the same procedure that towns  
62 and villages are created by law for  
63 municipal purposes, except that the map  
64 required by the statute governing municipal  
65 incorporations shall also show the correct

1 location and position of the county-line or  
2 lines involved in the incorporation of the  
3 independent school district.

4 (b) An incorporated free school  
5 district containing territory in two or  
6 more counties shall have all the rights,  
7 powers and privileges granted to any other  
8 incorporations for free school purposes  
9 only.

10 (c) The same modes, manners, and  
11 methods of government and procedure  
12 provided by Chapter 23 of this code for  
13 independent school districts shall govern  
14 the management and control of incorporated  
15 school districts containing territory  
16 within two or more counties.



1

## CROSS-REFERENCE TABLE

2      Current LawRevised Law

3	19.001	19.021
4	19.031	RN End of Subch. D
5	19.032	RN End of Subch. D
6	19.033	RN End of Subch. D
7	19.034	RN End of Subch. D
8	19.035	RN End of Subch. D
9	19.036	RN End of Subch. D
10	19.061	19.081
11	19.062(part)	19.081
12	19.062(part)	19.082
13	19.063	RN End of Subch. D
14	19.064	RN End of Subch. D
15	19.065	19.083
16	19.066	19.084
17	19.067	19.085
18	19.068	19.086
19	19.069	19.087
20	19.070	RN End of Subch. D
21	19.101	RN End of Chap.
22	19.102	RN End of Chap.
23	19.103	RN End of Chap.
24	19.104	RN End of Chap.
25	19.105	19.126
26	19.106	RN End of Chap.
27	19.131	RN End of Subch. F
28	19.132	RN End of Subch. F
29	19.133	RN End of Subch. F
30	19.134	RN End of Subch. F
31	19.135	RN End of Subch. F
32	19.136	RN End of Subch. F
33	19.161	RN End of Subch. E
34	19.162	RN End of Subch. E
35	19.163	RN End of Subch. E
36	19.164	RN End of Subch. E
37	19.165	RN End of Subch. E
38	19.166(a)	19.101
39	19.166(b)	19.102
40	19.166(c)	19.103
41	19.166(d)	19.104
42	19.166(e)	RN 19.104
43	19.166(f)-(i)	19.104
44	19.166(j)	RN 19.104
45	19.166(k)(1)	19.105
46	19.166(k)(2)	RN 19.105
47	19.166(k)(3)-(6)	19.106
48	19.166(k)(7)-(8)	19.105
49	19.167	RN End of Subch. E
50	19.201	19.121
51	19.202	19.122
52	19.203	19.123
53	19.204	RN End of Subch. F
54	19.205	19.124
55	19.206	RN End of Subch. F
56	19.207	RN End of Subch. F
57	19.231	19.051
58	19.232	19.052
59	19.233	19.053
60	19.234	19.054

1	19.235	19.055
2	19.236	19.056
3	19.237	19.056
4	19.238	19.057
5	19.239	RN End of Subch. C
6	19.240	RN End of Subch. C
7	19.241	RN End of Subch. C
8	19.242	RN End of Subch. C
9	19.243	19.058
10	19.244	19.059
11	19.245	RN End of Subch. C
12	19.246	19.025
13	19.247	19.026
14	19.261	19.022
15	19.262	19.023
16	19.263	19.024
17	19.301	RN End of Subch. E
18	19.302	RN End of Subch. E
19	19.331	19.008
20	19.332	19.008
21	19.361	19.151
22	19.362	19.152
23	19.363	19.153
24	19.364	19.154
25	19.365	RN End of Subch. G
26	19.366	19.155
27	19.367	RN End of Subch. G
28	19.368	19.155
29	19.401	19.171
30	19.402	19.172
31	19.403	RN End of Subch. H
32	19.431	RN 19.004
33	19.432	RN 19.004
34	19.433	RN 19.004
35	19.434	RN 19.004
36	19.435	RN 19.004
37	19.436	RN 19.004
38	19.437	RN 19.004
39	19.461	RN 19.004
40	19.462	RN 19.004